CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
FAX (303) 567-4955

NOTICE AND AGENDA
WORK SESSION
Idaho Springs City Council
1711 Miner Street
Monday, February 12, 2024 – 5:30 p.m.

NOTICE AND AGENDA OF WORK SESSION

MONDAY February 12th 2024 5:30 p.m.

- **Affordable Housing**

IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION INSTRUCTIONS

The Public is able to view and hear this meeting remotely at the following address on the City's website:
https://www.colorado.gov/pacific/idahosprings/city-council-live

Administrative Department

TO:	Mayor & City Council
CC:	City Administrator Andrew Marsh
FROM:	Jonathan Cain, Assistant City Administrator
DATE:	February 12, 2024
SUBJECT:	Housing Policy Update
ATTACHMENTS:	None

INTRODUCTION

Over the past ten years the City of Idaho Springs has increasingly become a focal point of a housing crisis, reflecting the wider challenges encountered by communities across Clear Creek County and our region. In response, the City has actively pursued a multifaceted strategy to meet the growing need for affordable and accessible housing.

To Date, the City's approach has been characterized by several key initiatives:

Affordable Housing Projects: Idaho Springs played a pivotal role in bringing the county's first Low-Income Housing Tax Credit (LIHTC) funded project, Riverbend Residences, to fruition. This development introduced income-restricted units to our community, setting a precedent for future projects and underscoring the City's leadership in regional housing initiatives. Further demonstrating this commitment, the City Council also approved a home ownership Habitat for Humanity project which is now under construction. This project not only expands our affordable housing inventory but also creates an accessible opportunity for home ownership in Idaho Springs.

Participation in Proposition 123: In 2022, Colorado Voters approved Proposition 123, a dedicated state income tax intended to fund affordable housing projects. This created a revenue source of one-tenth of one percent of state income tax revenue to help fund housing programs. In 2023, following direction of City Council, the City made a "Local Government Affordable Housing Commitment" to provide 22 units of affordable housing over the next 3 years in exchange for access to grants and other funding from this program.

Innovative Housing Opportunity Planning Grant: In 2021, The Colorado House passed House Bill 21-1271in response to the growing housing crisis in Colorado. This bill established 3 programs aimed at fostering the development of affordable housing throughout Colorado through grants and other funding. The bill appropriated $47 million to support these initiatives.

In 2022, the City, in collaboration with Clear Creek County, Georgetown, Silver Plume and Empire applied for a grant from one of these programs, the Local Government Planning Program for a collaborative project to address the housing crisis in our region. This project is called "A Clear Path Home" and consists of 3 tasks:

1. **Community Engagement:** A project to engage the local community in Clear Creek County to inform the policy creation process of how we should regionally tackle the housing crisis. One of the cornerstones of this work involved the creation of a video explaining the work, available at this link: https://www.youtube.com/watch?v=ngLOdo4ySe8. This campaign is focused on learning what our community says "yes" to related to housing- information that can be used to build community centered policy in the future.

2. **Code Review & Alignment Project:** A project undertaken separately but concurrently with the County and each of the municipalities with a Planning Consultant to interview stakeholders from each community and to review land use regulations of each of the same to determine 2 things: 1, how each community can maintain local control and the "feel" of their community while promoting affordable housing goals, whether that be the preservation of existing housing stock or building new housing when and where feasible, and 2, looking at opportunities where the different communities can align our code regionally to present consistent and anticipated results for folks looking to build or preserve housing in our community.

3. **Exploration of the Formation of a Multi-Jurisdictional Housing Authority (MJHA)**: Title 29, Article 4 of the Colorado Revised Statutes, which cover Housing Authorities and Improvement Districts create the legal framework for Cities and Counties to form what are known as "Multi-Jurisdictional Housing Authorities" (MJHA).

   Establishing an MJHA can have several advantages for Idaho Springs, Clear Creek County, and its other municipalities. By consolidating resources, expertise, and policy efforts across multiple jurisdictions, an MJHA can enhance the capacity to implement comprehensive and cohesive housing strategies that are responsive to regional needs. This can include the pooling of financial resources, enabling larger scale projects and more efficient uses of funding, as well as the ability to leverage a broader array of federal and state housing programs, attracting more significant investment and support. They can also facilitate the sharing of best practices and innovative solutions across jurisdictions, fostering a more integrated and effective response to different housing challenges.

   Financial and Operational Powers: MJHA's can plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate housing projects and programs. This includes the ability to set and collect development impact fees under certain conditions, incur debts, sue and be sued, use a corporate seal, and manage their financial affairs with autonomy.

   Regulatory and Legal Powers: Authorities have the right to establish and adjust fees, rents, and charges for their services and facilities. They can adopt regulations related to the exercise of their powers and perform acts necessary for providing housing services. This includes issuing subpoenas, making recommendations on nuisance abatement, and taking legal actions as necessary.

   Bonding and Revenue Generation: They are authorized to issue revenue or general obligation bonds and pledge their revenues for the payment of such bonds. The income, properties, and bonds of the authority are exempt from taxation and assessments in the state.

   Governance and Decision-Making: Actions related to establishing or increasing taxes or impact fees must be approved by a vote of the registered electors within the authority's jurisdiction. They also have the flexibility to determine their fiscal year spending limits and can be successors to any nonprofit or other entity providing similar services.

   Collaboration and Partnerships: The authority may work through agents or contracts with any person, firm, or corporation to carry out its purposes. It also retains the ability to cooperate with or assist other agencies, boards, or commissions within its territorial limits.

In 2022, Clear Creek County created a regional "Housing Strategy Report" intended to answer the question "How should we address the housing crisis in our region"? One of the key recommendations of this report was to form a regional Multi-Jurisdictional Housing Authority served by a board formed by representatives of the County and each of the Municipalities. The third task of the Clear Path Home project is to explore the formation of such an entity, including exploration of funding for the organization and what the strategic goals of such an organization might be. It is important to note that if the Clear Creek County Region does choose to establish an MJHA, it can also choose the scope of its authority in our area.

Examination of City-Owned Land: In 2023, City Council directed Staff to engage EVStudio, a local design firm to do a comprehensive assessment of several City Owned Properties that might be suitable for Housing Development. This initiative seeks to determine the potential of these lands to contribute to solving our housing shortage, whether through direct development by the City or through partnership with private entities.

This work is currently underway. Surveys were just completed for each of the properties, and EVStudio is working to complete the assessment and will provide the City with a report of their findings later this year.

UPDATES ON CURRENT HOUSING PROJECTS

City IHOP Clear Path Home Project

- **Task One**: The "I say Yes" video has been completed and published. Staff has been working with the Consultant to design the Community Engagement Campaign which is scheduled to kick off very soon. It is anticipated that this work will be completed this summer, completing this task.

- **Task Two**: City Staff received an initial draft report of Land Use recommendations last week. We will be reviewing this report and providing the consultant with comments by February 19th. A final draft report will be provided to the City sometime this Spring. Once this occurs, City Staff will bring any recommendations for changes to Idaho Springs Land Use Code for consideration by City Council and Planning Commission.

- **Task Three**: The Consultant has done some analysis related to how a Multi-Jurisdictional Housing Authority might work in Clear Creek County. This has included financial analysis, as well as analysis of how such an entity might be created and governed and what its strategic goals may be. The consultant has also explored some options that might be used for funding such an organization as it is set up.

  The next step in the process for Task Three involves determining a potential budget for the new organization, as well as what the strategic goals of the Organization might be. We also need to work on determining whether there is consensus between the City of Idaho Springs, Georgetown, Empire, Silver Plume, and Clear Creek County that such an organization should be formed. ***City Staff is requesting direction*** from City Council on the following:

  1. If an MJHA is formed, who should represent the City of Idaho Springs? ***Staff Recommends*** that City Council consider appointing either a Council Member or another member of the Community to the role on a time-limited basis.

2. If an MJHA is formed, what goals would City Council like to establish for the organization? Some possibilities:
    a. **Maintain Local Control and Adherence to City Processes:** Ensure that every housing project initiated or supported by the MJHA fully adheres to Idaho Springs' planning and building processes. This goal emphasizes the importance of local governance, ensuring that all developments align with the city's standards, regulations, and community expectations.

    b. **Preservation and Integration of Local Character:** Commit to preserving the unique historical and cultural character of Idaho Springs in all housing initiatives. This includes prioritizing the preservation of existing housing stock and ensuring new developments respect and reflect the city's rich heritage and local aesthetics.

    c. **Strategic Housing Development:** Focus on a balanced and strategic approach to housing that carefully considers the need for both preserving existing structures and introducing new housing solutions. This strategy aims to address current and future housing needs while maintaining the essence of Idaho Springs' community identity.

    d. **Maximize Financial Support for Housing Initiatives:** Actively seek and secure grant funding, tax incentives, and other financial resources to support the MJHA's housing projects and preservation efforts. This goal is about leveraging external funding opportunities to enhance the scope and impact of housing initiatives in Idaho Springs.

    e. **Financial Independence and Diverse Programming:** Develop a comprehensive scope of programming that not only addresses housing needs but also positions the MJHA towards financial independence. This includes exploring revenue-generating activities, partnerships, and innovative housing solutions that can support the MJHA's long-term sustainability and reduce dependence on external funding sources.

3. While the MJHA is intended to be self-supporting, it will need financial support from each of the participant communities to be functional (at least in the beginning). Clear Creek County has applied for a grant from CDPHE that could potentially subsidize the cost of the new organization for the first year, however, financial support from Idaho Springs will likely still be necessary. While MJHA's do have the statutory authority to ask the voters for a mill levy, it is unlikely that such a measure would be feasible, thus the consultant has been focused on alternatives that would involve a measure of support from each of the communities. The consultant has identified two alternative funding mechanisms:

    a. **Full Time Employee Alternative**: Under this scenario, the MJHA Board would hire an Executive Housing Director who would run the organization. There would be some costs associated with Office Administration, Financial Auditing, and Legal support, however, there may be opportunities to work collaboratively with the other entities to keep these costs down.

i. **Anticipated Cost**: To get an experienced Housing Director capable of navigating the complex world of housing financing and development requires a salary and benefits package of approximately $130,000. Staff believes that the total annual cost of the MJHA could be as high as $220,000, depending on how the organization is structured.
ii. **Idaho Springs Contribution**: Staff currently believes that the contribution by Idaho Springs to such an organization could be between $40,000-$75,000 annually, depending on the scope of work for the organization and other factors.
iii. **Pros**: Hiring a full-time Housing Director offers Idaho Springs a strategic advantage in tackling housing challenges effectively. This role centralizes leadership, ensuring the city's housing initiatives—ranging from preserving local character to maximizing financial support—are pursued with expertise and focus. A Housing Director enhances the MJHA capacity to secure grants, engage with stakeholders, and ensure sustainable, long-term planning. Their dedicated oversight ensures projects adhere to regulatory standards and strategic goals, aligning with the broader vision for community development. By investing in this position, Idaho Springs can more efficiently achieve its housing objectives, benefiting the entire community through focused, expert-led strategies.
iv. **Cons**: Hiring a full-time Housing Director, while beneficial, could potentially have drawbacks such as budgetary impacts. It will also be important for the City to stay involved on the Housing board to minimize the risk of misalignment between the director's vision and the community's needs. Additionally, finding and retaining a candidate who matches the community's needs could prove difficult. Despite these concerns, pooling resources with other jurisdictions for a multijurisdictional approach will offset costs and allow access to higher expertise.

b. **Consultant Alternative:** Under this scenario, the MJHA could hire a part time employee and/or consultants to help us manage specific projects that the MJHA is involved in.
i. **Anticipated Cost:** Unknown. While this scenario may allow more flexibility from project to project, the costs are likely to be similar or more to what it would cost to hire a FTE to manage the Housing Authority.
ii. **Pros**: Hiring a consultant to manage the MJHA could offer several advantages, particularly in terms of flexibility, expertise, and cost-effectiveness. Consultants bring specialized knowledge and experience that can be tailored to the specific needs and challenges of the MJHA, ensuring that innovative and effective strategies are employed from the outset. They can provide a high level of expertise on demand, without the long-term financial commitments associated with full-time positions, such as salaries, benefits, and overhead costs. This setup allows for a more adaptable approach to project management, as consultants can be engaged based on current needs and scaled back as

projects are completed or priorities change. Additionally, consultants can offer fresh perspectives and best practices from other regions or sectors, potentially introducing new ideas and approaches that enhance the MJHA's effectiveness.

iii. **Cons**: While hiring a consultant for the Multijurisdictional Housing Authority (MJHA) brings specialized expertise and operational flexibility, there are cons. Finding cost-effective consulting solutions in Clear Creek County can be difficult due to a limited pool of consultants with the necessary expertise willing to work within budget constraints. Consultants might lack a commitment to or understanding of the community's long-term goals, focusing instead on short-term objectives, which can lead to a misalignment with broader community needs. The episodic nature of consulting work can also introduce challenges in maintaining consistent strategies and integrating with existing teams, potentially disrupting ongoing efforts.

Given the budgetary considerations for supporting a Multijurisdictional Housing Authority (MJHA), staff seeks guidance from the City Council on whether to employ a full-time individual or engage a consultant to oversee this new entity. Staff would like to develop and present a detailed proposal and recommendation for City Council's approval once a viable budgetary framework for either option is established, ensuring any decision aligns with our financial capabilities and strategic objectives.

4. Would City Council be comfortable passing a non-binding resolution of support for the formation of a Multi-Jurisdictional Housing Authority that would include a statement of goals from City Council for such an organization along with a not-to-exceed budgetary number for the new organization? This would be an important step to starting to build consensus among the various other entities that could participate in the MJHA. Once everyone is committed, we could start working on an Intergovernmental Agreement that would form the organization.

Update on the Block 57 Project

Block 57, the forthcoming housing development on the former football field site, is ready to break ground with 120 new units of rental housing. These apartments range in price from about $1300 for a Studio to around $3000 for a 4-bedroom unit, positioning them as "market rate housing" within our community.

The project's progression, however, has encountered hurdles due to evolving EPA regulations within the Superfund areas of Clear Creek and Gilpin Counties. Despite having cleared environmental assessments, these regulatory changes have inadvertently led to substantial cost increases, impacting the project's timeline and financial planning.

In response to these challenges, the Block 57 development team recently engaged with city staff to explore potential collaborative solutions. They proposed an intriguing model for city participation: in exchange for the city's involvement, the project would implement deed restrictions. This legal

mechanism would effectively ensure the affordability of the development's units, aligning rental rates with the financial realities of our community members.

Providing funding to a housing development like Block 57 in exchange for deed restrictions can offer several substantial benefits to the community and the city's housing strategy:

1. **Fulfilling Proposition 123 Requirements**: One of the primary benefits is the potential to meet or exceed the city's obligations under Proposition 123, which mandates the creation or support of 22 affordable housing units in the next 3 years. This strategic move can significantly advance the city's housing goals in a relatively short period.

2. **Creation of Deed-Restricted Housing:** Deed restrictions ensure that housing remains affordable over the long term by setting and controlling rent prices. This creates a stable supply of affordable housing for essential workers and middle-income families, directly addressing the affordability crisis.

3. **Economic Diversity and Stability**: By providing housing options for a range of income levels, the city can support economic diversity and stability. This helps in retaining a workforce that is essential for the functioning of local businesses and services.

4. **Attracting and Retaining Workforce**: Affordable, deed-restricted housing can be a key factor in attracting and retaining essential workers such as teachers, police officers, and healthcare workers, contributing to the overall health and safety of the community.

5. **Stimulating Local Economy**: Construction and ongoing management of such housing projects can create jobs and stimulate local economic activity, benefiting local businesses and services.

6. **Preventing Displacement**: By ensuring a portion of the housing stock is affordable, the city can help to ensure that more people from our community can continue to live in our community.

Potential Funding Sources

The City of Idaho Springs has long had a policy that new development should pay its own way. That being said, this project could produce a significant public good by supporting housing stability and affordability and there may be a few sources of money that could be put to the project.

1. The city's remaining allocation from the American Rescue Plan Act (ARPA), approximately $480,000, represents a financial resource received during the COVID-19 crisis and must be expended by 2026. These funds, part of a federal initiative designed to facilitate recovery from the pandemic's economic and health impacts, have not yet been designated for specific city projects. The strategic use of this ARPA funding for the Block 57 development, in exchange for deed restrictions, offers a unique opportunity to leverage federal assistance with no direct financial impact on the city's current budget. This approach aligns with ARPA's broader objectives of addressing systemic public health and economic challenges. Utilizing these funds to enhance local housing availability, especially for essential workers and middle-income families, directly contributes to the community's long-term recovery and resilience, embodying the spirit of ARPA's intended use. If City Council is amenable to using the ARPA dollars for this purpose, Staff would work with 4 Points on an agreement that would detail exactly what the City would receive in return for this funding (such as a deed restriction on a certain number of units).

2. The City could consider delaying Block 57's payment of TAP fees until a later time. For Block 57, this would allow them to mobilize the project more quickly and begin construction. It is important to note that if Council is amenable to such an agreement, Staff will work with our Legal Representation to make sure that the City can recover the TAP fees at a later date (such as before a certificate of occupancy is issued).
3. The Department of Local Affairs has a "Stronger Communities Grant Program" that can offer grant funding up to $4,000,000 to help local municipalities support affordable housing developments like Block 57. A grant from this program could potentially help pay for TAP fees on the project, or other costs associated with the Development. The City has applied for funding from this program in the past, and while no award has been given, we have been a finalist. The next application window is expected to open in June.

Requests For Direction

1. Is City Council amenable to using ARPA dollars to support this project in return for Deed Restrictions on the Property?
2. Is City Council amenable to delaying TAP Fees (with the understanding that they would be fully recovered before occupancy) on the Project?
3. Is City Council amenable to writing a Grant Application to the Stronger Communities Program for funding to support this Project?

Potential Cemetery Annexation Project

A property owner residing just outside city limits, near the city cemetery, has reached out to the city with a proposal for their land. As a longtime resident of the county with a reverse mortgage on their property, they've suggested the city might be interested in acquiring the land for a specific purpose: the development of senior housing, subject to a restriction ensuring its exclusive use for this demographic. Given the county's current scarcity of senior housing options and the presence of extensive waitlists, this proposal presents a valuable opportunity for the city to expand its senior housing capacity. The city could potentially utilize funding from Proposition 123 to finance the project, aligning with broader goals of enhancing local housing infrastructure. Currently, efforts are underway to annex the property into the city, a critical step that would pave the way for further exploration and development of affordable senior housing on the site, addressing a pressing community need. Staff anticipates bringing this project back to City Council in the future as potential projects come into clearer focus.

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NOTICE AND AGENDA
Regular Meeting
Idaho Springs City Council
1711 Miner Street, City Hall
Monday, February 12, 2024
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **AGENDA APPROVAL**
   - **a)** Move to approve the agenda for the February 12, 2024 meeting
5. **CONFLICT OF INTEREST**
6. **APPROVAL OF MINUTES**
   - **a)** Move to approve the minutes from January 22, 2023
7. **APPROVAL OF BILLS**
   - **a)** Move to approve bills to February 12, 2024
8. **PUBLIC COMMENT**
9. **UNSCHEDULED PUBLIC COMMENT**
10. **LIQUOR LICENSING AUTHORITY**
11. **FINANCE OFFICER**
12. **RESOLUTIONS**
    - **a) Public Hearing and Resolution –** Resolution # 2, Series 2024, A Resolution Conditionally Approving a 1041 Permit for Development in an Area or Activity of State Interest Within the City of Idaho Springs for Certain Improvements Related to the Western Portion of the Colorado Department of Transportation Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels Project
13. **ORDINANCE FIRST READING**
    - **a)** Ordinance #6, Series 2024, An Ordinance Approving the Conditional Conveyance of Property known as Lot 3 of the Block 57/Former Golddigger Field Subdivision.
14. **ORDINANCE SECOND READING**
    - **a)** Ordinance #1, Series 2024, An Ordinance Amending Rates and Charges for Water and Sewer Service and making conforming amendments to the Idaho Springs Municipal Code.
    - **b)** Ordinance #2, Series 2024, An Ordinance Amending Chapter 10 of the Idaho Springs Municipal Code to Amend Existing Animal Regulations and Establish Additional Animal Regulations.
    - **c)** Ordinance #3, Series 2024, An Ordinance Adopting a New Article XIV of Chapter 9 of the Idaho Springs Municipal Code to establish a Mobile Food Truck Licensing Program.
    - **d)** Ordinance #5, Series 2024 An Ordinance Extending the Conditional Vacation of a Portion of Riverside Drive Adjacent to Lots 1-4 of the Mighty ARGO Mill Minor Subdivision.
15. **CITY ATTORNEY**
    - **a)** One request for action: Move to approve the renewed Judicial Services Agreement for Presiding Municipal Court Judge F. Michael Goodbee.
16. **CITY ADMINISTRATOR**
    - **a)** No staff report submitted.
17. **ADMINISTRATION DEPARTMENT**
    - **a) Assistant City Administrator** – Staff report submitted with no requests for action.
    - **b) Community Development Planner -** Staff report submitted with no requests for action.
    - **c) Deputy City Clerk –** Staff report submitted with no requests for action.

18. POLICE DEPARTMENT

a) Staff report submitted with no requests for action.

19. PUBLIC WORKS DEPARTMENT

a) Staff report submitted with one request for action. Move to approve Purchase of 40 Bear resistant Trash Bins from Bearicuda, in the amount of $44,739.12 from line item # 21-00-6028. This expenditure will be reimbursed through a Federal Grant administered by the State of Colorado.

20. WATER FACILITIES DEPARTMENT

a) Staff report submitted with no requests for action.

21. COMMITTEE REPORTS

22. CITY CLERK/TREASURER

23. MAYOR / COUNCIL

a) Former Mayor Dennis Lunbery

24. EXECUTIVE SESSION - Executive session pursuant to C.R.S. 24-6-402(4)(a) and (e) to discuss the potential acquisition of real property, to determine strategy and to instruct negotiators concerning the same.

25. ADJOURN

a) Next Work Session Monday February 26, 2024.

b) Next Regular Meeting on Monday, February 26, 2024

IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION INSTRUCTIONS

The Public is able to view and hear this meeting remotely at the following address on the City's website:
https://www.colorado.gov/pacific/idahosprings/city-council-live

To appear on the agenda as Scheduled Public Comment (in person or remote), you must fill out the form at the following link and return to the Deputy City Clerk no later than Noon (12 p.m.) the Thursday before the meeting date: https://www.colorado.gov/pacific/sites/default/files/Fillable%20Council%20Public%20Comment_1.pdf. For remote Public Comment, please use this link to join the meeting: https://us02web.zoom.us/j/88123857147

To provide in-person Unscheduled public comment, please sign-in at the entrance to the Council Chambers. To provide remote unscheduled comment, please use this link to join the meeting: https://us02web.zoom.us/j/88123857147.
You will need to identify yourself when joining the Zoom meeting with an accurate first and last name. You will then need to raise your hand to be recognized for public comment at the designated time on the agenda.

Each Scheduled/Unscheduled Public Comment is limited to three (3) minutes.

IDAHO SPRINGS CITY COUNCIL
REGULAR MEETING
JANUARY 08, 2024

The City Council of the City of Idaho Springs held a regular meeting on January 22, 2024, in the city council chambers. Mayor Harmon called the meeting to order at 7:08 p.m.

Answering the roll were: Mayor Chuck Harmon, Jeremy Jones, Scott Pennell, Kate Collier, Lisa Manifold, Jim Clark and Janine Mariani. Also present were Assistant City Administrator Jonathan Cain, Deputy City Clerk Wonder Martell, Chief Nate Buseck, Public Works Superintendent Paul Crain, Water Facilities Superintendent Edward Sigward and Community Development Planner Dylan Graves.

The Pledge of Allegiance was recited by all present.

SWEARING IN OF NEWLY ELECTED AND APPOINTED CITY COUNCILORS
Deputy City Clerk swore in elected councilor James Clark for Ward 1 and appointed councilor Janine Mariani for Ward 2.

AGENDA APPROVAL
Mayor Harmon made a motion to amend the agenda for January 22, 2024 to table Ordinance #4, Series 2024 and Ordinance Amending the Parking Fee-In-lieu Program to a later meeting. Councilmember Collier seconded to approve the amended agenda for January 22, 2024 followed by an all-in favor voice vote.

CONFLICT OF INTEREST

APPROVAL OF MINUTES
Councilmember Manifold moved to approve minutes from January 8th, 2024.
Councilmember Pennell seconded, followed by an all-in favor voice vote.

APPROVAL OF BILLS
Councilmember Jones moved to approve the bills to January 31, 2024
Councilmember Collier seconded. Second was followed by an all-in favor roll call vote.

PUBLIC COMMENT
UNSCHEDULED PUBLIC COMMENT
LIQUOR LICENSING AUTHORITY

FINANCE OFFICER
Finance officer Loraine Trotter went over the December 2023 preliminary financial statements. There were no questions from the council.

RESOLUTIONS

ORDINANCE FIRST READING

1. Councilmember Pennell moved to approve Ordinance #2, Series 2024, An Ordinance Amending Chapter 10 of the Idaho Springs Municipal Code to Amend Existing Animal Regulations and Establish Additional Animal Regulations. Councilmember Manifold seconded followed by an all-in favor roll call vote.
2. Councilmember Jones moved to approve Ordinance #3, Series 2024, An Ordinance Adopting a New Article XIV of Chapter 9 of the Idaho Springs Municipal Code to establish a Mobile Food Truck Licensing Program. Councilmember Mariani seconded followed by discussion. Councilmember Collier brought up that the current listed operating hours were not allowed until 9 am and that seems a bit late as there are many people in Idaho Springs out and about as early as 7 am that may want to grab a bite to eat

or a beverage. City Council was in agreement to amending the operating hours listed in this ordinance. Council member Jones Amended his motion and to approve Ordinance #3, Series 2024, An Ordinance Adopting a New Article XIV of Chapter 9 of the Idaho Springs Municipal Code to establish a Mobile Food Truck Licensing Program with amended operating hours of 7am till 1am. Councilmember Mariani seconded the amended ordinance, second was followed by an all-in favor roll call vote. Councilmember Manifold mentioned that se was very glad to see that this ordinance has made it to City Council from Planning Commission, she states that this will be very positive for the city.

3. Councilmember Collier moved to approve Ordinance #5, Series 2024, An Ordinance Extending the Conditional Vacation of a Portion of Riverside Drive Adjacent to Lots 1-4 of the Mighty ARGO Mill Minor Subdivision. Councilmember Jones seconded followed by an all-in favor roll call vote.

ORDINANCE SECOND READING
CITY ATTORNEY
CITY ADMINISTRATOR
Staff report submitted with no requests for action.

ADMINISTRATIVE DEPARTMENT
Assistant City Administrator- Staff report submitted with no requests for action.
Community Development Planner- Staff report submitted with no requests for action.
Deputy City Clerk – Staff report submitted with no requests for action.

POLICE DEPARTMENT
Staff report submitted with one request for action. Councilmember Jones moved to approve the proposal for architectural, civil, structural, mechanical, electrical, plumbing engineering enhanced schematic design for the new police department from Dulaney Architecture in the amount of $96,578.00 from line item #21-00-7045. Councilmember Clark seconded followed by an all-in favor roll call vote.
Chief Buseck wanted to commend one of his officers that helped with a scary situation of a wrong way driver on Interstate 70. Chief Buseck stated that this officer put himself in harms way assisting with this dangerous situation and that it took a lot of bravery for him to put himself in that situation. Chief Buseck advised that the wrong way driver was a missing elderly person who had been diagnosed with dementia, the brave action of his officer saved lives.

PUBLIC WORKS
Staff report submitted with one request for action. Councilmember Collier moved to approve additional funds in the amount of $85,980.00 from line item #21-00-7044 for JVA and its subcontractor Cannon Design, for unanticipated additional design review and services exceeding the original scope of work, and ongoing facility construction administration for the Public Works building project. Councilmember Manifold seconded followed by an all-in favor roll call vote.

WATER/WASTEWATER DEPARTMENT
Staff report submitted with no requests for action. Water/Wastewater Superintendent Edward Sigward wanted to let council know that today, the PLC upgrade at the Water Treatment Plant is 99% completed and an interesting tidbit is that the water/wastewater department was able to run it manually, which Public Works Superintendent Paul Crain said was almost not possible, as this plant was never created to be operated manually.

MAYOR/COUNCIL
Mayor Harmon reminded council that there will be a work session scheduled for the first Monday in February which is February 5th, 2024.

ADJOURN
Mayor Harmon adjourned the meeting at 7:44 pm.

Report Criteria:
[Report].Total Cost = {>} 0

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
A.L.E.R.T./S.A.M. (715)								
2024								
2024	Invoice	Membership	01/01/2024	03/01/2024	100.00	Open	01/24	10-30-5304
Total 2024:					100.00			
Total A.L.E.R.T./S.A.M. (715):					100.00			
Allied Towing (11)								
6089								
6089	Invoice	2019 Colorado Oil Change	01/22/2024	02/21/2024	117.87	Open	01/24	10-30-6100
Total 6089:					117.87			
Total Allied Towing (11):					117.87			
AlphaGraphics (1013)								
16213								
16213	Invoice	doorhangers	01/19/2024	02/18/2024	959.22	Open	01/24	51-15-6003
Total 16213:					959.22			
Total AlphaGraphics (1013):					959.22			
Alsco - Denver Linen (13)								
2881418								
2881418	Invoice	Carpets	01/30/2024	02/20/2024	74.60	Open	01/24	10-30-5108
Total 2881418:					74.60			
Total Alsco - Denver Linen (13):					74.60			
AmeriGas (1478)								
3160100274								
3160100274	Invoice	Hazmat Fee fuel recovery	01/24/2024	02/23/2024	23.98	Open	01/24	51-00-6001
3160100274	Invoice	Propane	01/24/2024	02/23/2024	1,116.98	Open	01/24	51-00-6001
Total 3160100274:					1,140.96			
3160100280								
3160100280	Invoice	Hazmat Fee fuel recovery	01/24/2024	02/23/2024	23.98	Open	01/24	51-00-6001
3160100280	Invoice	Propane	01/24/2024	02/23/2024	2,559.18	Open	01/24	51-00-6001
Total 3160100280:					2,583.16			
Total AmeriGas (1478):					3,724.12			
Arbitrage Compliance Specialists (2117)								
1034565								
1034565	Invoice	Arbitrage Rebate Calculation	11/23/2023	02/28/2024	3,000.00	Open	13/23	23-00-5101
Total 1034565:					3,000.00			
Total Arbitrage Compliance Specialists (2117):					3,000.00			
AT&T Mobility (283)								
287246995984X01212024								
287246995984X01212024	Invoice	Cell Phone/'WasteWater	01/21/2024	02/08/2024	107.94	Open	01/24	52-00-5335
287246995984X01212024	Invoice	Cell Phones/Water	01/21/2024	02/08/2024	107.94	Open	01/24	51-00-5335

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total 287246995984X01212024:					215.88			
Total AT&T Mobility (283):					215.88			
Blue to Gold, LLC (2054)								
BTG-LOTEF22-17466								
BTG-LOTEF22-17466	Invoice	k9 case law vlass	01/19/2024	02/18/2024	225.00	Open	01/24	10-30-5212
Total BTG-LOTEF22-17466:					225.00			
Total Blue to Gold, LLC (2054):					225.00			
Browns Hill Engineering & Cont (1416)								
27303								
27303	Invoice	mercoid Pressure Transducer	01/19/2024	02/19/2024	502.78	Open	01/24	51-00-5204
Total 27303:					502.78			
1229								
1229	Invoice	WTP SCADA Leasing Agreement	02/01/2024	03/01/2024	8,238.00	Open	03/24	51-00-5309
Total 1229:					8,238.00			
1230								
1230	Invoice	WWTP SCADA Leasing Agreeme	02/01/2024	03/01/2024	1,620.00	Open	03/24	52-00-5309
Total 1230:					1,620.00			
Total Browns Hill Engineering & Cont (1416):					10,360.78			
Caselle Inc. (287)								
130420								
130420	Invoice	Electronic w-2 & 1099	01/29/2024	02/28/2024	425.00	Open	01/24	10-10-5108
130420	Invoice	Electronic w-2 & 1099	01/29/2024	02/28/2024	425.00	Open	01/24	10-20-5108
130420	Invoice	Electronic w-2 & 1099	01/29/2024	02/28/2024	425.00	Open	01/24	10-30-5108
130420	Invoice	Electronic w-2 & 1099	01/29/2024	02/28/2024	212.50	Open	01/24	51-00-5108
130420	Invoice	Electronic w-2 & 1099	01/29/2024	02/28/2024	212.50	Open	01/24	52-00-5108
Total 130420:					1,700.00			
130664								
130664	Invoice	Contract Support - admin	02/01/2024	03/01/2024	371.00	Open	03/24	10-20-5108
130664	Invoice	Contract Support - pd	02/01/2024	03/01/2024	371.00	Open	03/24	10-30-5108
130664	Invoice	Contract Support - streets	02/01/2024	03/01/2024	371.00	Open	03/24	10-10-5108
130664	Invoice	Contract Support - waste water	02/01/2024	03/01/2024	185.50	Open	03/24	52-00-5108
130664	Invoice	Contract Support - water	02/01/2024	03/01/2024	185.50	Open	03/24	51-00-5108
Total 130664:					1,484.00			
Total Caselle Inc. (287):					3,184.00			
CenturyLink (569)								
672489312								
672489312	Invoice	Internet service Water Plant	01/12/2024	02/11/2024	348.67	Open	01/24	51-00-5335
Total 672489312:					348.67			
3035672130-1222024								
3035672130-1222024	Invoice	WWTP Alarm	01/22/2024	02/11/2024	218.73	Open	02/24	51-00-5335
Total 3035672130-1222024:					218.73			

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
3035679613-1252024								
3035679613-1252024	Invoice	Water Plant Phone Lines	01/25/2024	02/15/2024	205.39	Open	02/24	51-00-5335
Total 3035679613-1252024:					205.39			
3035674474-1282024								
3035674474-1282024	Invoice	Internet service-Public Works	01/28/2024	02/17/2024	102.94	Open	02/24	10-10-5335
Total 3035674474-1282024:					102.94			
Total CenturyLink (569):					875.73			
Chicago Creek Sanitation (434)								
2024-02								
2024-02	Invoice	Maintenance Fee	01/25/2024	02/25/2024	500.00	Open	02/24	52-00-5206
Total 2024-02:					500.00			
Total Chicago Creek Sanitation (434):					500.00			
Clear Creek County Clerk & Rec (61)								
43511								
43511	Invoice	Document Recording	01/16/2024	02/15/2024	39.00	Open	01/24	10-20-5316
Total 43511:					39.00			
43566								
43566	Invoice	Document Recording	01/24/2024	02/23/2024	233.00	Open	01/24	10-20-5316
Total 43566:					233.00			
1252024								
1252024	Invoice	Titles	01/25/2024	02/24/2024	26.06	Open	01/24	10-30-6100
Total 1252024:					26.06			
01292024								
01292024	Invoice	Emailed Documents	01/29/2024	02/28/2024	4.00	Open	01/24	10-20-5316
Total 01292024:					4.00			
43583								
43583	Invoice	Document Recording	01/30/2024	02/28/2024	26.00	Open	01/24	10-20-5316
Total 43583:					26.00			
Total Clear Creek County Clerk & Rec (61):					328.06			
Clear Creek County Road & Bridge (1278)								
02.01.24								
02.01.24	Invoice	Fleet fuel/Parks	02/01/2024	02/28/2024	386.40	Open	01/24	10-60-6191
02.01.24	Invoice	Fleet fuel/Police	02/01/2024	02/28/2024	2,874.53	Open	01/24	10-30-6191
02.01.24	Invoice	Fleet fuel/Streets	02/01/2024	02/28/2024	1,237.85	Open	01/24	10-10-6191
02.01.24	Invoice	Fleet fuel/WasteWater	02/01/2024	02/28/2024	224.28	Open	01/24	52-00-6191
02.01.24	Invoice	Fleet fuel/Water	02/01/2024	02/28/2024	224.28	Open	01/24	51-00-6191
Total 02.01.24:					4,947.34			
Total Clear Creek County Road & Bridge (1278):					4,947.34			
Clear Creek Fire Authority (65)								
Q1 2024								
Q1 2024	Invoice	1st Quarter	01/01/2024	02/28/2024	74,968.75	Open	01/24	10-50-5050

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total Q1 2024:					74,968.75			
Total Clear Creek Fire Authority (65):					74,968.75			
Colorado Analytical Lab (945)								
240116022								
240116022	Invoice	bod-5	01/23/2024	02/23/2024	66.60	Open	01/24	52-00-5201
Total 240116022:					66.60			
240123043								
240123043	Invoice	total coliform P/A compl	01/24/2024	02/24/2024	103.50	Open	01/24	51-00-5201
Total 240123043:					103.50			
240123045								
240123045	Invoice	bod-5	01/30/2024	02/28/2024	66.60	Open	01/24	52-00-5201
Total 240123045:					66.60			
Total Colorado Analytical Lab (945):					236.70			
Colorado Community Media (1981)								
104607								
104607	Invoice	Legal Publication	01/19/2024	02/18/2024	306.20	Open	01/24	10-20-5312
Total 104607:					306.20			
105073								
105073	Invoice	advertising for board vacancies	01/26/2024	02/25/2024	335.00	Open	01/24	10-20-5313
Total 105073:					335.00			
105313								
105313	Invoice	Legal Notices	02/02/2024	03/03/2024	926.64	Open	02/24	10-20-5312
Total 105313:					926.64			
Total Colorado Community Media (1981):					1,567.84			
Comcast (1486)								
191487111								
191487111	Invoice	New High speed internet for WWT	01/01/2024	02/01/2024	2,413.69	Open	13/23	52-00-5335
Total 191487111:					2,413.69			
0197295-1232024								
0197295-1232024	Invoice	City Hall Internet	01/23/2024	02/17/2024	272.28	Open	02/24	10-20-5335
Total 0197295-1232024:					272.28			
Total Comcast (1486):					2,685.97			
Common Knowledge Technology, Inc (1549)								
61971								
61971	Invoice	IT Services - Admin	02/01/2024	03/02/2024	1,323.63	Open	02/24	10-20-5106
61971	Invoice	IT Services - PD	02/01/2024	03/02/2024	1,323.63	Open	02/24	10-30-5108
61971	Invoice	IT Services - Streets	02/01/2024	03/02/2024	1,323.63	Open	02/24	10-10-5108
61971	Invoice	IT Services - Water	02/01/2024	03/02/2024	661.81	Open	02/24	51-00-5108
61971	Invoice	IT Services - WW	02/01/2024	03/02/2024	661.80	Open	02/24	52-00-5108

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total 61971:					5,294.50			
Total Common Knowledge Technology, Inc (1549):					5,294.50			
D&B Construction (2105)								
1281								
1281	Invoice	Meter Swaps	12/12/2023	02/12/2024	3,525.00	Open	13/23	51-15-7006
Total 1281:					3,525.00			
Total D&B Construction (2105):					3,525.00			
Deep Rock (1855)								
18332261020224								
18332261020224	Invoice	Water Cooler	02/02/2024	02/25/2024	21.97	Open	01/24	10-20-5309
Total 18332261020224:					21.97			
Total Deep Rock (1855):					21.97			
Doyle Disposal (380)								
19982								
19982	Invoice	Trash Service Sewer Plant	01/25/2024	02/25/2024	453.00	Open	02/24	52-00-5202
Total 19982:					453.00			
Total Doyle Disposal (380):					453.00			
Employers Council (112)								
1002547106								
1002547106	Invoice	Professional Services HR- Admin	01/22/2024	02/24/2024	1,580.00	Open	01/24	10-20-5108
1002547106	Invoice	Professional Services HR- PD	01/22/2024	02/24/2024	3,160.00	Open	01/24	10-30-5108
1002547106	Invoice	Professional Services HR- Streets	01/22/2024	02/24/2024	2,106.67	Open	01/24	10-10-5108
1002547106	Invoice	Professional Services HR- Water	01/22/2024	02/24/2024	526.66	Open	01/24	51-00-5108
1002547106	Invoice	Professional Services HR-WW	01/22/2024	02/24/2024	526.67	Open	01/24	52-00-5108
Total 1002547106:					7,900.00			
Total Employers Council (112):					7,900.00			
Foothills Auto & Truck Parts (1021)								
100256								
100256	Invoice	oil, washer fluid and bulb	01/26/2024	02/25/2024	115.02	Open	01/24	10-30-6193
Total 100256:					115.02			
100359								
100359	Invoice	Battery for air compressor	01/29/2024	02/28/2024	182.85	Open	01/24	10-10-6007
Total 100359:					182.85			
Total Foothills Auto & Truck Parts (1021):					297.87			
Hach Company (138)								
13885917								
13885917	Invoice	cleaning solution	01/17/2024	02/17/2024	190.98	Open	01/24	52-00-5208
13885917	Invoice	reagent set	01/17/2024	02/17/2024	343.90	Open	01/24	52-00-5208
Total 13885917:					534.88			
13901196								
13901196	Invoice	buffer	01/29/2024	02/28/2024	110.20	Open	01/24	52-00-5208

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
13901196	Invoice	peek salt bridge	01/29/2024	02/28/2024	1,472.50	Open	01/24	52-00-5208
13901196	Invoice	sensor cap replacement	01/29/2024	02/28/2024	1,384.60	Open	01/24	52-00-5208
Total 13901196:					2,967.30			
13906133								
13906133	Invoice	dpd refill	02/01/2024	03/01/2024	124.82	Open	02/24	52-00-6207
13906133	Invoice	Phosphorus	02/01/2024	03/01/2024	121.35	Open	02/24	52-00-6207
Total 13906133:					246.17			
Total Hach Company (138):					3,748.35			
Halsey Architecture and Planning LLC (2118)								
2023.201.01								
2023.201.01	Invoice	Police Station Design	01/18/2024	02/17/2024	23,637.00	Open	02/24	21-00-7045
Total 2023.201.01:					23,637.00			
Total Halsey Architecture and Planning LLC (2118):					23,637.00			
HDR Engineering, Inc (1605)								
1200590985								
1200590985	Invoice	Virginia Canyon	01/25/2024	02/24/2024	69,102.76	Open	13/23	23-00-5103
Total 1200590985:					69,102.76			
Total HDR Engineering, Inc (1605):					69,102.76			
Historic Rail Adventures, LLC (2009)								
297								
297	Invoice	2023 coach restoration	02/01/2024	03/01/2024	29,953.40	Open	13/23	21-61-7042
Total 297:					29,953.40			
298								
298	Invoice	Deposit lamp resotration	02/01/2024	03/01/2024	6,313.87	Open	13/23	21-61-7042
Total 298:					6,313.87			
Total Historic Rail Adventures, LLC (2009):					36,267.27			
Home Depot Credit Services (578)								
180654								
180654	Invoice	pvc cement	12/28/2023	02/29/2024	17.48	Open	12/23	51-00-6004
Total 180654:					17.48			
2023479								
2023479	Invoice	hose, duct tape, nozzle, washers	01/25/2024	02/29/2024	96.71	Open	01/24	52-00-6004
2023479	Invoice	wire shelving	01/25/2024	02/29/2024	179.94	Open	01/24	52-00-6004
Total 2023479:					276.65			
Total Home Depot Credit Services (578):					294.13			
HRS Water Consultants (851)								
30053								
30053	Invoice	Monthly Reservoir Services	01/16/2024	02/14/2024	980.50	Open	12/23	51-00-5103
Total 30053:					980.50			

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total HRS Water Consultants (851):					980.50			
JVA Incorporated (1110)								
13757								
13757	Invoice	soda creek highlands	12/31/2023	02/28/2024	400.00	Open	12/23	10-00-2401
Total 13757:					400.00			
13758								
13758	Invoice	Clear Creek SD Building 103 Ren	12/31/2023	02/28/2024	400.00	Open	12/23	10-00-2401
Total 13758:					400.00			
13759								
13759	Invoice	On Call Services - Civil	12/31/2023	02/28/2024	320.00	Open	12/23	10-20-5103
13759	Invoice	On Call Services - Civil	12/31/2023	02/28/2024	80.00	Open	12/23	10-00-2401
Total 13759:					400.00			
13764								
13764	Invoice	PW Facility	12/31/2023	02/28/2024	9,033.60	Open	12/23	21-00-7044
Total 13764:					9,033.60			
13773								
13773	Invoice	I-70 Floyd Hill	12/31/2023	02/28/2024	480.00	Open	12/23	21-00-5103
Total 13773:					480.00			
14004								
14004	Invoice	On Call Services - Environmental	12/31/2023	02/28/2024	500.00	Open	12/23	51-72-7310
Total 14004:					500.00			
Total JVA Incorporated (1110):					11,213.60			
Lam Tree Service Inc. (915)								
41581								
41581	Invoice	Removal of trees	02/06/2024	03/05/2024	1,467.00	Open	12/23	21-00-7045
Total 41581:					1,467.00			
Total Lam Tree Service Inc. (915):					1,467.00			
Law Firm Of Suzanne Rogers PC (737)								
2.1.24								
2.1.24	Invoice	Mileage	02/01/2024	02/28/2024	57.25	Open	02/24	10-40-5115
2.1.24	Invoice	Prosecutor	02/01/2024	02/28/2024	1,500.00	Open	02/24	10-40-5115
Total 2.1.24:					1,557.25			
Total Law Firm Of Suzanne Rogers PC (737):					1,557.25			
Liberty Communications (1547)								
3178877								
3178877	Invoice	phone service admin	01/30/2024	02/28/2024	144.19	Open	02/24	10-20-5303
3178877	Invoice	phone service police	01/30/2024	02/28/2024	144.19	Open	02/24	10-30-5303
3178877	Invoice	phone service public works	01/30/2024	02/28/2024	144.19	Open	02/24	10-10-5303
3178877	Invoice	phone service wastewater	01/30/2024	02/28/2024	72.10	Open	02/24	52-00-5303
3178877	Invoice	phone service water	01/30/2024	02/28/2024	72.09	Open	02/24	51-00-5303
Total 3178877:					576.76			

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total Liberty Communications (1547):					576.76			
Matthew Pappen (2072)								
1.31.24								
1.31.24	Invoice	American Water College Online Cl	01/31/2024	02/28/2024	179.99	Open	01/24	51-00-5212
Total 1.31.24:					179.99			
Total Matthew Pappen (2072):					179.99			
McDonald Farms (1588)								
0100444								
0100444	Invoice	WasteWater Hauled to Landfill	01/15/2024	01/30/2024	1,361.50	Open	01/24	52-00-5250
Total 0100444:					1,361.50			
0101281								
0101281	Invoice	WasteWater Hauled to Landfill	01/24/2024	02/08/2024	1,361.50	Open	01/24	52-00-5250
Total 0101281:					1,361.50			
Total McDonald Farms (1588):					2,723.00			
Michael Goodbee (1940)								
2.1.24								
2.1.24	Invoice	Judge	02/01/2024	02/28/2024	1,600.00	Open	02/24	10-40-5110
Total 2.1.24:					1,600.00			
Total Michael Goodbee (1940):					1,600.00			
Mountain View Woodworking (1597)								
2.5.25								
2.5.25	Invoice	Temporary Stand for Public Notice	02/05/2024	02/28/2024	356.97	Open	02/24	21-61-7040
Total 2.5.25:					356.97			
Total Mountain View Woodworking (1597):					356.97			
Peak Performance Imaging Solutions (409)								
68528								
68528	Invoice	Copier Meter Bill	01/29/2024	02/13/2024	300.64	Open	01/24	10-20-5309
Total 68528:					300.64			
68501								
68501	Invoice	Copier Rental	02/01/2024	02/16/2024	140.00	Open	02/24	10-20-5108
Total 68501:					140.00			
Total Peak Performance Imaging Solutions (409):					440.64			
Performace Construction (2107)								
23159-2								
23159-2	Invoice	City Hall Bathrooms	02/02/2024	02/28/2024	28,486.77	Open	01/24	21-61-7040
Total 23159-2:					28,486.77			
Total Performace Construction (2107):					28,486.77			
Power Motive Corp (221)								
P39914/P37371								
P39914/P37371	Invoice	Fuel filterfor backhoe	10/04/2023	02/28/2024	107.13	Open	13/23	10-10-6007

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total P39914/P37371:					107.13			
Total Power Motive Corp (221):					107.13			
Quill Corporation (230)								
36726954								
36726954	Invoice	Chair mat	01/17/2024	02/16/2024	39.74	Open	01/24	10-20-6010
Total 36726954:					39.74			
36778927								
36778927	Invoice	Nameplate	01/20/2024	02/21/2024	31.99	Open	01/24	10-20-6010
Total 36778927:					31.99			
Total Quill Corporation (230):					71.73			
Ramey Environmental Compliance, INC (898)								
26927								
26927	Invoice	Grease Trap Inspections/McDonal	12/31/2023	02/28/2024	68.00	Open	12/23	52-00-5000
Total 26927:					68.00			
27093								
27093	Invoice	Forms	01/31/2024	02/28/2024	29.62	Open	01/24	52-00-5000
27093	Invoice	Grease Trap Inspections/McDonal	01/31/2024	02/28/2024	73.00	Open	01/24	52-00-5000
Total 27093:					102.62			
Total Ramey Environmental Compliance, INC (898):					170.62			
SAFEbuilt, LLC Lockbox #88135 (1041)								
212636								
212636	Invoice	Building Permits	01/31/2024	03/01/2024	2,958.99	Open	01/24	10-22-5000
Total 212636:					2,958.99			
Total SAFEbuilt, LLC Lockbox #88135 (1041):					2,958.99			
SHR Car Wash Colorado LLC (534)								
2024-FEB-02								
2024-FEB-02	Invoice	Car Wash	02/02/2024	02/29/2024	168.54	Open	01/24	10-30-6100
Total 2024-FEB-02:					168.54			
Total SHR Car Wash Colorado LLC (534):					168.54			
Solenis (1794)								
132542167								
132542167	Invoice	PRAESTOL	01/29/2024	02/28/2024	4,342.61	Open	01/24	52-00-6210
Total 132542167:					4,342.61			
Total Solenis (1794):					4,342.61			
Staples Business Advantage (1219)								
8072838658								
8072838658	Invoice	cork board	01/06/2024	02/05/2024	86.99	Open	01/24	10-30-6010
8072838658	Invoice	folders and phone shoulder rest	01/06/2024	02/05/2024	28.49	Open	01/24	10-30-6010
Total 8072838658:					115.48			

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
8072914370								
8072914370	Invoice	ergo mouse	01/13/2024	02/12/2024	34.99	Open	01/24	10-30-6010
Total 8072914370:					34.99			
Total Staples Business Advantage (1219):					150.47			
T Mobile (2040)								
267033691-1162024								
267033691-1162024	Invoice	Code Cell Phone	01/16/2024	02/14/2024	68.95	Open	01/24	10-30-5335
Total 267033691-1162024:					68.95			
981870408-1212024								
981870408-1212024	Invoice	Police Department Cell Phone/hot	01/21/2024	02/19/2024	331.56	Open	01/24	10-30-5335
Total 981870408-1212024:					331.56			
Total T Mobile (2040):					400.51			
Terracon Consultants, INC. (1692)								
TK61884								
TK61884	Invoice	Engineering	01/19/2024	02/18/2024	280.00	Open	01/24	21-00-7044
Total TK61884:					280.00			
Total Terracon Consultants, INC. (1692):					280.00			
Timberline Disposal (1467)								
5401254V324								
5401254V324	Invoice	fuel material and fee hwy 103	12/01/2023	01/30/2024	12.24	Open	12/23	51-00-5202
5401254V324	Invoice	Hwy 103 toilet	12/01/2023	01/30/2024	76.43	Open	12/23	51-00-5202
Total 5401254V324:					88.67			
5423666V324								
5423666V324	Invoice	fuel material and fee hwy 103	01/01/2024	01/30/2024	12.24	Open	01/24	51-00-5202
5423666V324	Invoice	Hwy 103 toilet	01/01/2024	01/30/2024	76.43	Open	01/24	51-00-5202
Total 5423666V324:					88.67			
5444802V324								
5444802V324	Invoice	200 W. Colorado Blvd Trash	02/01/2024	02/28/2024	356.37	Open	02/24	10-10-5202
5444802V324	Invoice	fuel material and fee	02/01/2024	02/28/2024	57.09	Open	02/24	10-10-5202
Total 5444802V324:					413.46			
Total Timberline Disposal (1467):					590.80			
USA Blue Book (376)								
00238358								
00238358	Invoice	bushing	01/05/2024	02/05/2024	9.79	Open	01/24	52-00-5204
Total 00238358:					9.79			
00264272								
00264272	Invoice	dpd dispenser	02/01/2024	03/01/2024	79.07	Open	02/24	52-00-6207
Total 00264272:					79.07			
00266056								
00266056	Invoice	ball check valve	02/02/2024	03/02/2024	84.62	Open	02/24	51-00-6004

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total 00266056:					84.62			
Total USA Blue Book (376):					173.48			
Utility Notification Center of Colorado (1984)								
224010717								
224010717	Invoice	Locates - Water	01/31/2024	02/28/2024	34.83	Open	01/24	51-00-5108
224010717	Invoice	Locates - WW	01/31/2024	02/28/2024	34.83	Open	01/24	52-00-5108
Total 224010717:					69.66			
Total Utility Notification Center of Colorado (1984):					69.66			
Veolia WTS Analytical Instruments (1803)								
902487854								
902487854	Invoice	Capsule Filter	01/03/2024	02/03/2024	688.88	Open	01/24	51-00-5208
Total 902487854:					688.88			
Total Veolia WTS Analytical Instruments (1803):					688.88			
VISA (1827)								
ADMIN-1032024								
ADMIN-1032024	Invoice	business cards	01/03/2024	01/28/2024	32.05	Open	12/23	10-20-6010
ADMIN-1032024	Invoice	cccma membership	01/03/2024	01/28/2024	200.00	Open	12/23	10-20-5304
ADMIN-1032024	Invoice	cupcakes for holiday party	01/03/2024	01/28/2024	169.92	Open	12/23	10-20-5215
ADMIN-1032024	Invoice	saving places	01/03/2024	01/28/2024	1,610.00	Open	12/23	10-20-5212
Total ADMIN-1032024:					2,011.97			
WATER-1032023								
WATER-1032023	Invoice	calendar	01/03/2024	01/28/2024	9.80	Open	12/23	51-00-6010
WATER-1032023	Invoice	calendar	01/03/2024	01/28/2024	9.80	Open	12/23	52-00-6010
WATER-1032023	Invoice	credit card fee from cdphe	01/03/2024	01/28/2024	117.99	Open	12/23	52-00-5302
WATER-1032023	Invoice	dot physical	01/03/2024	01/28/2024	80.00	Open	12/23	10-10-5213
WATER-1032023	Invoice	fender flares for 2007 chevy	01/03/2024	01/28/2024	48.67	Open	12/23	51-00-6150
WATER-1032023	Invoice	fender flares for 2007 chevy	01/03/2024	01/28/2024	48.66	Open	12/23	52-00-6150
WATER-1032023	Invoice	office supplies	01/03/2024	01/28/2024	50.43	Open	12/23	52-00-6010
WATER-1032023	Invoice	office supplies	01/03/2024	01/28/2024	50.43	Open	12/23	51-00-6010
WATER-1032023	Invoice	paper	01/03/2024	01/28/2024	39.10	Open	12/23	52-00-6010
WATER-1032023	Invoice	paper	01/03/2024	01/28/2024	39.10	Open	12/23	52-00-6010
WATER-1032023	Invoice	pvc coupling	01/03/2024	01/28/2024	19.58	Open	12/23	52-00-5204
WATER-1032023	Invoice	sharpies	01/03/2024	01/28/2024	11.90	Open	12/23	51-00-6010
WATER-1032023	Invoice	wp241138182 annual fee	01/03/2024	01/28/2024	4,538.00	Open	12/23	52-00-5302
WATER-1032023	Invoice	wp241138183 annual pretreatmen	01/03/2024	01/28/2024	92.00	Open	12/23	52-00-5302
WATER-1032023	Invoice	wp241138552 cdphe annual fee	01/03/2024	01/28/2024	580.00	Open	12/23	51-00-5302
Total WATER-1032023:					5,735.46			
Total VISA (1827):					7,747.43			
Water Technology Group (1568)								
5584261								
5584261	Invoice	shredder	01/29/2024	02/12/2024	5,724.50	Open	13/23	52-00-5204
Total 5584261:					5,724.50			
Total Water Technology Group (1568):					5,724.50			
WEX BANK (1459)								
94611599								
94611599	Invoice	Fleet fuel - Police	01/23/2024	02/14/2024	392.47	Open	01/24	10-30-6191

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
Total 94611599:					392.47			
Total WEX BANK (1459):					392.47			
Xcel Energy (540)								
861783077								
861783077	Invoice	525 Pine Slope	01/22/2024	02/09/2024	12.91	Open	01/24	51-00-6001
Total 861783077:					12.91			
861794383								
861794383	Invoice	1101 soda creek	01/22/2024	02/09/2024	195.72	Open	01/24	51-00-6001
Total 861794383:					195.72			
861794456								
861794456	Invoice	PD	01/22/2024	02/09/2024	543.56	Open	01/24	10-30-6001
Total 861794456:					543.56			
861797961								
861797961	Invoice	New WWTP	01/22/2024	02/09/2024	4,697.64	Open	01/24	52-00-6001
Total 861797961:					4,697.64			
861821726								
861821726	Invoice	1711 Miner	01/22/2024	02/09/2024	585.11	Open	01/24	10-20-6001
Total 861821726:					585.11			
861862686								
861862686	Invoice	1801 miner a	01/22/2024	02/09/2024	19.62	Open	01/24	52-00-6001
Total 861862686:					19.62			
861905699								
861905699	Invoice	980 CR 314	01/22/2024	02/09/2024	3,711.24	Open	01/24	52-00-6001
Total 861905699:					3,711.24			
861912234								
861912234	Invoice	10 Montane	01/22/2024	02/09/2024	50.57	Open	01/24	51-00-6001
Total 861912234:					50.57			
861949439								
861949439	Invoice	WTP	01/22/2024	02/09/2024	4,596.50	Open	01/24	51-00-6001
Total 861949439:					4,596.50			
862205560								
862205560	Invoice	pw	01/24/2024	02/13/2024	802.86	Open	01/24	10-10-6001
Total 862205560:					802.86			
862752292								
862752292	Invoice	Parks	01/29/2024	02/16/2024	1,126.38	Open	01/24	10-60-6001
Total 862752292:					1,126.38			
863307161								
863307161	Invoice	Lamp Maintanence	02/01/2024	02/26/2024	2,828.69	Open	01/24	10-10-6085

Invoice	Type	Description	Invoice Date	Due Date	Total Cost	Terms	Period	GL Account
863307161	Invoice	Street Lights	02/01/2024	02/26/2024	4,760.44	Open	01/24	10-10-6001
Total 863307161:					7,589.13			
863430135								
863430135	Invoice	2040 miner	02/01/2024	02/22/2024	15.61	Open	01/24	10-10-6001
Total 863430135:					15.61			
Total Xcel Energy (540):					23,946.85			
Zambelli Fireworks (1639)								
518922								
518922	Invoice	4th of July Fireworks	07/04/2024	07/04/2024	12,600.00	Open	01/24	10-21-5050
Total 518922:					12,600.00			
Total Zambelli Fireworks (1639):					12,600.00			
Grand Totals:					368,780.86			

Report GL Period Summary

GL Period	Amount
01/24	179,051.05
12/23	21,582.68
02/24	36,664.78
03/24	11,342.00
13/23	120,140.35
Grand Totals:	368,780.86

Vendor number hash:	0
Vendor number hash - split:	0
Total number of invoices:	0
Total number of transactions:	0

City of Idaho Springs
Planning Commission
COMMUNICATION

Meeting Date: February 7, 2024	**Page: 1 of 12**	**Western Portion I-70 Floyd Hill to Veterans Memorial Tunnels Project: 1041 REVIEW**
	Presented by: Dylan Graves, Community Development Planner	

GLOSSARY OF TERMS

ADA	Americans with Disabilities Act
CDOT	Colorado Department of Transportation
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
I-70	Interstate 70
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places

PROJECT BACKGROUND

The Colorado Department of Transportation (CDOT) has applied for a 1041 review of the western portion of the ongoing Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels project. The 1041 review process refers to the consideration of projects that are determined to be Areas and Activities of State Interest as detailed in C.R.S. § 24-65.1-101. Areas of State Interest include mineral resource areas, natural hazard areas, areas containing or having a significant impact on historical, natural, or archeological resources of state importance, and areas around key facilities in which development may have a material effect upon the key facility or the surrounding community. The City regulates Areas and Activities of State Interest (1041 Review) via Chapter 25 of the Idaho Springs Municipal Code (ISMC). Article VI of Chapter 25 specifically allows for review of arterial highways, interchanges, and collector highways. The intent of the Chapter is to Regulate projects which would otherwise cause excessive noise, water and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the City; Promote efficient and economical use of public resources; and Protect the public health, safety, welfare and the environment.

Sec. 25-25 of the ISMC states that at the public hearing, the City Council shall consider such evidence as may appear appropriate, including, at a minimum:

1. The intensity of current and foreseeable development pressures;
2. The matters and considerations set forth in any applicable guidelines for identification and designation;
3. Recommendations from state agencies, if appropriate;
4. The boundaries of the proposed area;
5. Reasons why the particular area or activity is of State Interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
6. Any master or Comprehensive Plan pertaining to or affected by the area or activity under consideration;
7. Recommendations of the Planning Commission, if any; and
8. Other relevant testimony and documents presented.

The western portion of this project is the work that will take place from Exit 243 – Hidden Valley / Central City to Exit 241 – Idaho Springs / Colorado Blvd. The 1041 review relates to work that includes:

1. Adding a third westbound travel lane, which would operate as a full-time Express Lane, that links to the existing westbound peak-period I-70 Mountain Express Lane from Idaho Springs to Empire to eliminate severe bottlenecking that currently plagues travel time and reliability in the two-lane section between Floyd Hill and Exit 241.
2. Constructing a missing two-mile section of frontage road between US 6 at Exit 244 and Central City Parkway/Hidden Valley at Exit 243.
3. Adding an eastbound auxiliary lane to reduce conflicts with slow-moving freight and other vehicles in the uphill section of Floyd Hill from US 6 at Exit 244 to Homestead Road at Exit 247.
4. Reconstructing highway interchanges at US 6 (Exit 244) and Central City Parkway/Hidden Valley (Exit 243), flattening horizontal curves, replacing deficient bridge structures, and implementing surface and Americans with Disabilities Act improvements to the Clear Creek Greenway to increase traveler safety.
5. Implementing environmental mitigation to enhance wildlife connectivity, air and water quality, stream conditions, and recreation.

The project will include periodic lane closures on I-70, closures of the Clear Creek Greenway, and periodic closures of other nearby roadways. It will also result in increased travel time during portions of the project. A 1041 review is authorized by the State of Colorado to allow for local governments to maintain their control over particular development projects even where the development project has statewide impacts.

The City has been working collaboratively with CDOT and other stakeholders from the start of this project and a representative for the City sits on both the Technical Team (TT) for this project, which typically meets bi-weekly, and on the Project Leadership Team (PLT), which meets less frequently.

For this report, all elements of the proposed work will be discussed as the "Western Floyd Hill" project.

PLANNING COMMISSION ROLE

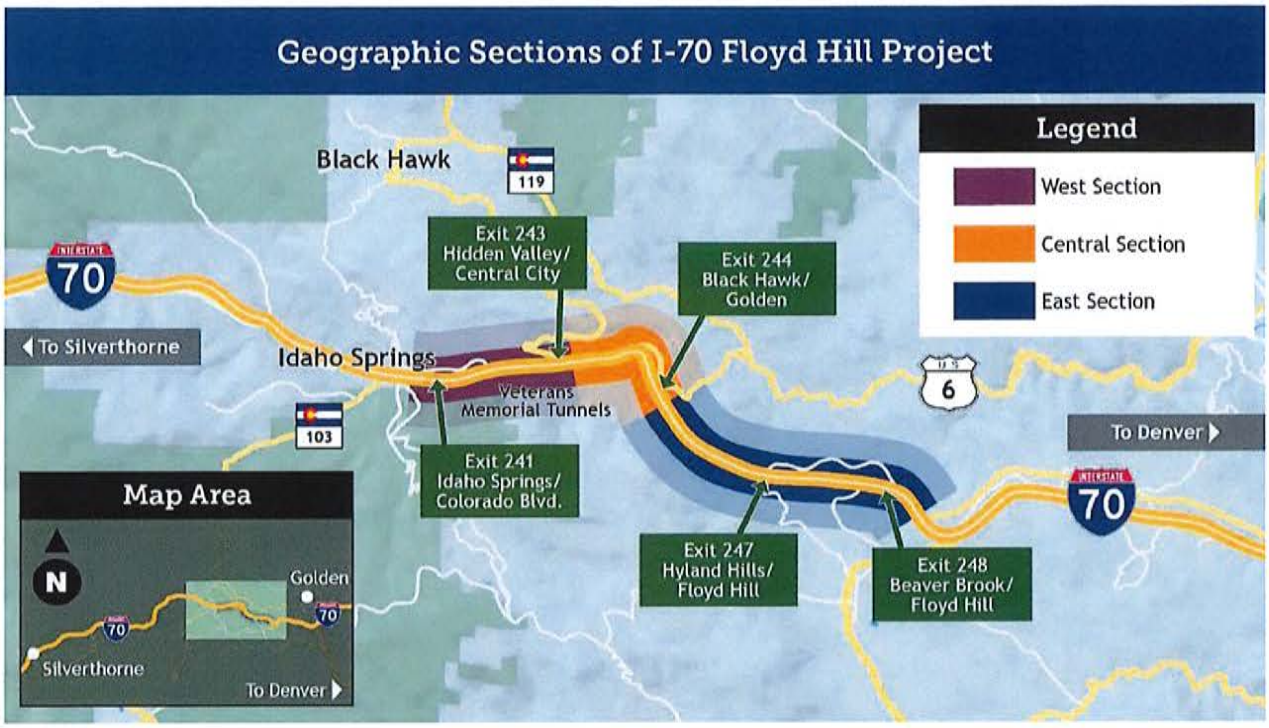
No Planning Commission action is required for a 1041 application review. Staff presented the application to the Planning Commission on February 7, 2024 but no action is required from them. Planning Commission is in general support of the project and did not propose any additional conditions nor any changes to the submitted plans.

PROJECT OVERVIEW AND SUMMARY

Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels, Jefferson and Clear Creek Counties, Colorado. Project limits on I-70 range from Exit 248 Beaver Brook/Floyd Hill through the Veterans Memorial Tunnels to Exit 241 Colorado Boulevard. The Project has been divided into three geographic sections – East, Central, and West – that are being developed as individual construction packages (see Figure 1).

The project began construction in July 2023 with the first construction package on the east end of the project. The second package to be constructed is on the west end of the project within the city boundaries of Idaho Springs.

Figure 1: Project Location Map



The focus of the present 1041 review is for the Western portion of the project, shown on Figure 1.

The Project improvements encompass approximately eight miles of the I-70 Mountain Corridor, from west of Evergreen to eastern Idaho Springs, and include improvements to mainline I-70, the I-70 frontage road, interchanges and intersections, the Clear Creek Greenway trail, and other environmental and recreational enhancements. The Project is one of several specific highway improvements between west Denver and Glenwood Springs that was approved in the 2011 I-70 Programmatic Environmental Impact Statement (PEIS) Record of Decision (ROD) (https://www.codot.gov/projects/i70mountaincorridor/i-70-old-mountaincorridor/record-of-decision).

The West section is proposed to be under construction from 2024 until substantial completion in 2027.

Major elements of the Project include adding a westbound travel lane on I-70, constructing the missing frontage road connection between US 6 and Hidden Valley, adding an eastbound auxiliary lane to the uphill section of Floyd Hill, modifications to the US 6 and Hidden Valley interchanges, improving design speeds and stopping sight distance on horizontal curves, improving the Clear Creek Greenway trail, and implementing environmental mitigation for wildlife connectivity, air and water quality, stream conditions, and recreation. The Clear Creek Greenway trail will be resurfaced/reconstructed by CDOT and maintained by Clear Creek County.

A noise wall adjacent to Exit 241 is proposed as part of the scope of work for the overall project but this is proposed to be included as part of the Central section of the project. Staff has proposed a condition of approval that CDOT will need to apply for a new 1041 application for the Central section and the noise wall will be reviewed at that time in concert with other work proposed for that portion of the project.

On January 12, 2023, FHWA and CDOT completed the National Environmental Policy Act (NEPA) process for the Project and signed a Finding of No Significant Impact (FONSI), which is in compliance with 23 Code of Federal Regulations (CFR) 771.119 and 771.121.

The need for the Project results from the following issues:

- High peak period traffic volumes and limited capacity on I-70 in the westbound direction, which affects regional and local mobility and accessibility
- Unreliable travel times and frequent delays due to traffic congestion on I-70 in the westbound direction
- Occasional closures on the interstate due to severe weather conditions that exacerbate congestion, mobility, and local accessibility challenges
- Safety concerns due to congestion, substandard geometry with tight curves, and steep grades
- Aging and failing infrastructure
- Insufficient infrastructure for pedestrian and bicycle users between US 6 and Idaho Springs
- Lack of road redundancy and parallel routes between US 6 and Idaho Springs, which hinders response times during emergencies

The main features of the West section of the project include:

- Continue the third travel lane on westbound I-70 from Floyd Hill through the Veterans Memorial Tunnels to Exit 241
- Flatten I-70 curves to improve safety and achieve a 55 MPH design speed
- Rebuild the bridges over Clear Creek at Hidden Valley
- Resurface/reconstruct the Clear Creek Greenway trail from the Hidden Valley interchange to the Veterans Memorial Tunnels
- Construct a noise wall east of Exit 241 and adjacent to the residential area along Riverside Drive. (Included in the Central Section construction package)

Figure 2 West Section, Design Model, View East from Veterans Memorial Tunnels

CITY PLANNING STAFF REVIEW

Chapter 25 of the Idaho Springs Municipal Code (ISMC) identifies the approval criteria for any application of this nature. Those criteria and staff comment *(in italics)* are below.

Sec. 25-113. Approval criteria.

The City Council shall approve an application for a permit to locate an arterial highway, interchange, or collector highway in the City only if the proposed location complies with this Article, other relevant federal, state, and local guidelines and regulations, and meets all the following requirements and criteria:

(1) All of the provisions of the permit application procedure have been complied with.

With associated documents including the I-70 Floyd Hill to Veterans Memorials Tunnels (Floyd Hill) Environmental Assessment dated July 2021, Finding of No Significant Impact (FONSI) dated January 2023, Floyd Hill Reevaluation Form dated January 2023, Floyd Hill application and executive summary dated November 2023, Floyd Hill West Section Plan Sheets and special provisions from November 2023, and other forms and documents as received by the City, this requirement has been met.

(2) The proposed arterial highway, interchange or collector highway will be located so that community traffic needs are met.

The proposal seeks to improve the level of service for both eastbound and westbound traffic between Exit 248 and Exit 241. Traffic needs within the Idaho Springs and Clear Creek community will be met in part with the use of CR 314 as an alternative travel corridor during the construction period. Long-term, the addition of a complete frontage road between Floyd Hill and Idaho Springs will better address local traffic needs and the proposed work on I-70 will improve safety along the corridor. The proposal as presented by CDOT meets these criteria.

(3) The proposed arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need for such highway facilities has been demonstrated.

Interstate 70 and US 6 are necessary elements of the roadway system in the Idaho Springs area. There is a clear and reasonable local and regional need for the highway facilities. The proposal as presented by CDOT meets these criteria.

(4) Reasonable alternative modes of transportation will be incorporated into the highway proposal.

The regional trail network (i.e. Clear Creek Greenway Trail) will be impacted during the construction phase of the project but will be improved because of the project through resurfacing and reconstruction of the trail from the Hidden Valley interchange to the Veterans Memorial Tunnels. An additional express travel lane will be incorporated into the westbound lanes through Veterans Memorial Tunnels. The Greenway trail will not be impacted by West Section construction. However, it will be substantially impacted by the Early Access and Grading Package. The Greenway trail will be used for construction access and staging in the saddle cut area of the Central Section and there is not a way to keep the trail open once construction begins for safety reasons. The trail is anticipated to be closed for approximately three of the five years of construction in the Central Section between approximately Hidden Valley and US 6. CDOT has discussed ways to circumvent required closures for long-distance cyclists that are impacted, which may include a shuttle service to detour the project area. Bustang buses and Pegasus vans operated by CDOT and Roundabout buses operated by Clear Creek County will continue to operate through the corridor and will be able to use the new westbound Mountain Express Lane. The proposal as presented by CDOT meets these criteria.

(5) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed arterial highway, interchange or collector highway.

The proposal will not impact land use patterns in the area as the project footprint is within the current right of way for I-70. The proposal as presented by CDOT meets these criteria.

(6) The location of the proposed arterial highway, interchange or collector highway will not impede the delivery of essential community services and goods.

Occasional closures will occur during the construction process for rock-blasting and other safety closures that will impede or slow the delivery of community goods and services. Closure of the Clear Creek Greenway will occur during the construction process, and discussions on shuttles to circumvent these closures are ongoing. These closures and delays are a necessary part of the scope of work to ensure the safety of workers and the traveling public. The proposal as presented by CDOT meets these criteria.

(7) The location and access limitations for the arterial highway, interchange or collector highway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities, including the downtown area, schools, hospitals, mass transit, pedestrian walkways and bikeways, recreational areas and open spaces.

There are no anticipated impacts to neighborhoods and public facilities once construction is complete. During the construction phase, there may be minor impacts in the Hidden Valley area and there will certainly be impacts to the Clear Creek Greenway. Once construction is completed, the Hidden Valley interchange will be improved and access from this area to public facilities will be improved both Westbound and Eastbound. The proposal as presented by CDOT meets these criteria.

(8) The location and access limitations for the arterial highway, interchange or collector highway will not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways to the downtown area, local commercial services, business and employment centers and public facilities, including schools, hospitals, recreational areas and open spaces.

The proposal does not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways to the downtown area, local commercial services, business and employment centers and public facilities. The proposal as presented by CDOT meets these criteria.

The project will add a third westbound travel lane, which would operate as an Express Lane, that links to the existing westbound I-70 Mountain Express Lane from Idaho Springs to Empire to eliminate severe bottlenecking that currently plagues travel time and reliability in the two-lane section going over Floyd Hill.

(9) The location and access limitations for the arterial highway, interchange or collector highway will not create safety hazards to motorists, pedestrians or bicyclists by causing or contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other City roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.

Safety along the project area should be improved by this project by flattening curves along this portion of the highway and reducing steep grades. It also reduces safety hazards to bicyclists on the Greenway Trail by implementing surface and ADA improvements. The proposal as presented by CDOT meets these criteria.

(10) The location of the arterial highway, interchange or collector highway will not directly conflict with applicable local, regional and state master plans, including but not limited to transportation plans.

No change in the general location of I-70 is contemplated. I-70 drive lanes will be modified slightly to accommodate the new viaducts in the central section and new on and off ramps. That said, none of the proposed changes will impact applicable local, regional, or state master plans, and the changes are aligned with State plans for corridor improvements. The proposal as presented by CDOT meets these criteria.

(11) The proposed arterial highway, interchange or collector highway will be located and implemented in accordance with the Comprehensive Plan.

I-70 is identified in the Idaho Springs Comprehensive Plan. The proposal as presented by CDOT meets these criteria.

(12) The location of the proposed arterial highway, interchange or collector highway will not contribute to the expansion of demand for public services beyond the reasonable capacity of the City or the region to provide such services.

If the improvements increase visitation from the Front Range to the mountains, City service needs may increase in proportion to that increase in visitors to the community, though no comments were received during the referral period to indicate that any expansion of demand would go beyond the reasonable capacity of the City or the region. The proposal as presented by CDOT meets these criteria.

(13) The location of the proposed arterial highway, interchange or collector highway will not contribute to the expansion of regional or local demand for public utilities beyond the reasonable capacity of the utility companies or authorities to provide such services.

Improvements to I-70 may generally increase the numbers of the Front Range travelling public that may choose to visit the mountains and increase the regional demand for utilities to some extent. It would not be anticipated to increase demand beyond the reasonable capacity to provide such services. The proposal as presented by CDOT meets these criteria.

(14) The proposed arterial highway, interchange or collector highway will be located so as to complement the compact and efficient extension of planned public services, utilities and development in general, both regionally and within the City.

The project does not impact the expansion of public services in general. The proposal as presented by CDOT meets these criteria.

(15) The site selection for the arterial highway, interchange or collector highway will adhere to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in the then-current Denver Metropolitan Regional Transportation Plan.

The proposal as presented by CDOT meets these criteria.

(16) The benefits to the City of the proposed arterial highway, interchange or collector highway, including expected development in the regional and local impact areas, will outweigh the social, fiscal and environmental impact and the loss of any scenic, historic, archeological or natural resources or agricultural lands rendered unavailable as a result of the location of the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

The proposal as presented by CDOT meets these criteria.

(17) The proposed location of the arterial highway, interchange or collector highway will not increase water pollution levels in violation of applicable federal, state and local water quality control standards and will result in no net loss of wetland values and functions.

Runoff from the expanded roadway may cause impacts to water resources, which include elevated sediment and chloride levels in Clear Creek due to winter maintenance activities, including use of liquid and solid deicer salts, and increased erosion leading to increased sedimentation to adjacent

water resources. With that said, the applicant is proposing multiple permanent water quality measures as part of the project, including detention basins and vegetated swales. They are proposing to renovate approximately eight (8) acres of vegetated habitat along the Clear Creek corridor, improving wetland and habitat function along that stretch of the project. Impacts to wetlands and water quality are anticipated to be indirect in nature – by adding impervious surface beyond existing levels, additional deicers will be required for winter maintenance, which, while being monitored and mitigated through detention basins, vegetated ditches, and other dilution methods, may result in additional salinity in the creek. CDOT has committed to encapsulating mineralized rock generated during blasting activities beneath the roadway pavement, away from groundwater, to prevent the release of contaminants and migration of minerals into Clear Creek. Through this project, water quality is also protected under multiple Federal acts, Federal Executive Orders, and State Laws such as the Clean Water Act, the Safe Drinking Water Act, and the Colorado Water Quality Control Act, and this project must conform to the provisions of all these regulations. Continued monitoring and work to improve conditions basin-wide would be beneficial, though as it stands the proposal as presented by CDOT meets these criteria.

(18) The maximum anticipated use over the next twenty (20) years of the arterial highway, interchange or collector highway will not increase air pollution levels beyond applicable federal or state ambient air standards or to levels that pose unacceptable risks to human health and the environment, and will conform to the vehicle emissions budget of the State Implementation Plan.

The application indicates that this area is in conformance with and has attained National Ambient Air Quality Standards (NAAQS) and not subject to conformity requirements that are applicable to transportation projects in nonattainment areas. Traffic emissions for four pollutants are expected to decrease substantially over time due to improved vehicle fuels, engines, and emission control technology. Emissions of re-entrained dust will likely increase due to the increased traffic on the Interstate but are not substantial to the point of exceeding the NAAQS. The proposal as presented by CDOT meets these criteria.

(19) Noise levels caused by the arterial highway, interchange or collector highway will not exceed fifty-five (55) decibels as measured by a twenty-four-hour Equivalent Sound Level metric at the property line of any residence, school, church or other noise-sensitive location nearest to the proposed arterial highway, interchange or collector highway, unless the City Council determines that meeting such sound level is infeasible, that all feasible avoidance or mitigation measures will be incorporated, and the public benefit of any new or modified arterial highway, interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

Noise levels would continue to exceed CDOT noise abatement criteria for many noise sensitive receptors, primarily residences. Noise abatement was considered for all impacted receptors, and a noise wall was found to be feasible and reasonable for impacted residents along Riverside Drive near Exit 241. This is not proposed as part of the Western portion of the project but will be included in the Central project package. The project would have several temporary impacts to the noise environment during construction. These impacts are associated with excavation of the project via blasting, and standard construction techniques. Temporary, intermittent increases in noise would occur during construction both in the daytime and nighttime. Noise levels would vary, depending on the loudest piece of equipment in operation at the time; rock blasting would be the loudest construction activity that would occur over the longest period. Rock blasting would occur primarily during the daytime.

Noise conditions along the Greenway are expected to improve with I-70 being elevated above grade in viaducts.

Given that the existing conditions do not meet required noise standards, Staff believes that maintaining existing levels is appropriate and supports the reduction in noise associated with the sound wall once it is

constructed during the Central portion of the project. Staff is proposing a condition of approval that a new 1041 be submitted for the Central package to include the sound wall for City review.

(20) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of historic properties or districts within the City and will not impair the function or historic integrity of an historic resource of statewide importance.

There will be ground disturbing construction activities affecting a portion of a NRHP-eligible archaeological site. CDOT has declined to provide significant detail about this resource in an attempt to protect the resource from non-project related disturbance. There will also be construction impacts to a nonsupporting segment of the historically significant Colorado Central Railroad (5CC.427) alignment and remnant railroad retaining walls and potential access disruptions to historic sites in Idaho Springs. None of the segments retain sufficient integrity to convey the historic significance of the overall resource. Therefore, changes to these segments would not adversely affect the overall resource. The proposal as presented by CDOT meets these criteria as the work under this project does not destroy, impair, or alter historic properties or districts within the City that are not exempt per Federal law.

(21) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the City.

No proposed modifications are included to key commercial, tourist, or visitor areas within the City. The restoration of the Clear Creek corridor near Hidden Valley is anticipated to have a positive impact on the experience of rafters and anglers in this stretch of the creek. No impacts to commercial, tourist, or visitor areas are otherwise anticipated as a result of this project.

(22) The proposed location of the arterial highway, interchange or collector highway will not contribute to a negative economic impact to commercial, tourist or visitor areas or districts within the City.

Improvements in the project area should help decrease the negative image (slow or stop – go traffic) associated with traveling the I-70 corridor. It is hoped that a better experience for the traveling public would increase the number of visitors to the Idaho Springs area and the economic impact of those visitors. The proposal as presented by CDOT meets these criteria.

(23) The proposed location of the arterial highway, interchange or collector highway will not significantly or unnecessarily detract from the mountain backdrop or other significant scenic resources within the City or the region.

The proposal includes rock excavation east of the Veterans Memorial Tunnels, but the excavation methods and aesthetic considerations proposed will produce a natural rock face appearance. Additionally, the proposed rock cuts will only occur in areas where rock cuts already exist adjacent to I-70. No rock cuts are proposed on the south side of the canyon along CR 314. The proposal as presented by CDOT meets these criteria.

(24) The proposed arterial highway, interchange or collector highway will be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas and designated historic districts in the City, and to blend into the surroundings, yet will allow the City to be seen from the highway. Interchanges will be attractively landscaped and will identify major gateways to the City consistent with the Comprehensive Plan.

No work is proposed near residential areas or historic districts in the City with this phase of the project. Staff proposes a condition of approval that attractive landscaping be included adjacent to interchanges

leading into the City with a nexus to this project, specifically at Exits 241 and 244. The proposal as presented by CDOT meets these criteria.

(25) If the proposed arterial highway, interchange or collector highway includes the imposition of tolls, any existing state roads which have historically provided free access within the City limits will continue to provide free and non-tolled access.

The project proposes a third westbound lane, which will be a tolled Express Lane. No existing roads or travel lanes are proposed to become tolled. The proposal as presented by CDOT meets these criteria.

(26) The proposed arterial highway, interchange or collector highway will not result in a design speed greater than fifty-five (55) miles per hour, unless the City Council finds that achieving such design speed is infeasible and all feasible mitigation of the adverse effects of higher speeds (including, without limitation, noise levels, air quality and safety) will be incorporated, and the public benefit of any new or modified arterial highway, interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

No changes to the current speed limit are proposed. The project proposes to improve safety and achieve a 55 MPH design speed. The proposal as presented by CDOT meets these criteria.

Additionally, Chapter 25, Sec. 25-51(B) discusses necessary approval criteria for general applications. This is discussed below with staff analysis in italics:

(1) The applicant has obtained or will obtain all property rights, permits and approvals necessary for the proposal, including surface, mineral and water rights. The City Council may, in its discretion, defer making a final decision on the application until necessary property rights, permits and approvals for the proposal are obtained.

The applicant appears to have all required property rights, permits, and approvals necessary for this proposal from State, Federal, and local agencies.

(2) The applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.

Staff believes that the applicant has the necessary capability to meet this requirement.

(3) Adequate water supplies are available for the proposal if applicable.

The project will be obtaining adequate supplies of hauled water from the City and raw water from Clear Creek for dust control.

(4) The proposal will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan, or identifiable on or near the site.

No agricultural lands are proposed to be harmed or unreasonably lost because of this project. No significant agricultural lands are included in the scope of the project area. The Hidden Valley and Twin Tunnels areas contain recommended land uses of Parks/Open Space, Regional Commercial, Industrial, and Mixed Residential Density. There are no agricultural lands designated in this portion of the City in the Comprehensive Plan.

(5) The proposal will not significantly degrade or pose a significant hazard to any aspect of the environment, including environmental resources and open space areas as identified in the

Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation.

Sec. 25-51(B) states that the following aspects of the environment shall be considered:

1. Air quality
2. Visual quality
3. Surface water quality
4. Groundwater quality
5. Wetlands and riparian areas
6. Terrestrial and aquatic animal life
7. Terrestrial and aquatic plant life
8. Soils and geologic conditions

Staff believes that the proposal addresses all the above environmental aspects and has mitigation efforts in place to ensure that environmental harm will be minimized. Water quality is the environmental consideration most likely to be impacted. CDOT has proposed permanent water quality monitoring and control measures to address water quality impacts long-term. CDOT also proposes riparian habitat restoration to improve water quality in this way. CDOT intends on improving deicing strategies to decrease chloride runoff into Clear Creek, which while not related to this project directly will mitigate impacts associated with this project and the highway widening. Staff believes that the environmental components of this project are suitably addressed.

Based on the extensive application material set and the project's conformance with the application criteria and adopted plans and policies of the City of Idaho Springs, staff recommends the motion below.

STAFF RECOMMENDATION TO COUNCIL

I move to recommend approval to City Council the application of the State of Colorado, Department of Transportation for the Western Portion of the I-70 Floyd Hill to Veterans Memorial Tunnels Project (Project) as the application meets the general approval requirements set forth in Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code and, in addition, meets all the following conditions, requirements and criteria:

(1) The development will be consistent with the purposes and intent of this Article.

(2) The development will not have or impose an unreasonable adverse effect upon the historic resources in the Historic Resource Area designated pursuant to Section 25-81 above, which effects cannot be reasonably and effectively mitigated by conditions imposed upon the issuance of the permit.

(3) All work performed upon any historic resource located in the Historic Resource Area designated pursuant to Section 25-81 above shall be done in accordance with the standards set forth in 36 C.F.R. Part 68 (Secretary of the Interior's Standards for the Treatment of Historic Properties) and applicable guidelines utilized by the State Historical Society.

(4) The intergovernmental agreement between CDOT and the City of Idaho Springs related to the repair of any City wastewater plant facilities damaged during blasting or construction on this project and any subsequent phases remains in effect.

(5) Attractive landscaping shall be provided in proximity to the Exit 241 and Exit 244 Interchanges to ensure that visual impacts in these areas are minimized and mitigated.

(6) Installation of a sound wall near the Exit 241 interchange requires additional review and approval by the City of Idaho Springs under Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code. CDOT will

be required to submit a new application package before undertaking any work associated with a proposed sound wall.

(7) Proposed work in the Hidden Valley / Central City interchange area requires further review and approval by the City of Idaho Springs under Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code. CDOT will be required to submit a new application package before undertaking any work associated with improvements in the Hidden Valley area other than that work considered as part of this review for the Western portion of the project.

ATTACHMENTS:

1. CDOT Application and Executive Summary
2. CDOT Finding of No Significant Impact (FONSI)

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Department of Transportation

West Program
425A Corporate Circle
Golden, CO 80401

MEMORANDUM

TO: Andrew Marsh, City Administrator Idaho Springs

FROM: Kurt Kionka, I-70 Floyd Hill Project Director

CC: Jonathan Cain (Assistant City Administrator Idaho Springs), Francesca Tordonato (CDOT Environmental Manager), Tyler Brady (CDOT Design Engineer), and Jeff Hampton (CDOT Construction Engineer)

DATE: November 7th, 2023

SUBJECT: I-70 Floyd Hill to Veterans Memorial Tunnels 1041 Application Submittal

CDOT is respectfully submitting the I-70 Floyd Hill to Veterans Memorial Tunnels Project for an Idaho Springs 1041 permit. The project began construction in July 2023 with the first construction package on the east end of the project. The second package to be constructed is on the west end of the project within the city boundaries of Idaho Springs. This memo summarizes the permit materials and associated status of the included documents for the Project requested during the pre-application meeting.

I-70 Floyd Hill to Veterans Memorial Tunnels Project:

The Project will improve travel time reliability, safety, and mobility, and address the deficient infrastructure along I-70 from Floyd Hill through the Veterans Memorial Tunnels (approximately milepost [MP] 248 to MP 241). Major elements of the Project include adding a westbound travel lane on I-70, constructing the missing frontage road connection between US 6 and Hidden Valley, adding an eastbound auxiliary lane to the uphill section of Floyd Hill, modifications to the US 6 and Hidden Valley interchanges, improving design speeds and stopping sight distance on horizontal curves, improving the Clear Creek Greenway trail, and implementing environmental mitigation for wildlife connectivity, air and water quality, stream conditions, and recreation. The Clear Creek Greenway trail will be resurfaced/reconstructed by CDOT and maintained by Clear Creek County.

Summary, Proposed Schedule, and Estimate:

The project will be delivered through a Construction Manager/General Contractor (CMGC) method. CMGC project delivery allows an owner to engage a construction manager during the design process to provide constructability input. It incorporates phased design and construction packages, which allows more time for consideration and design of some of the more complex Project elements. At approximately 60 percent and 90 percent design completion, the owner and construction manager negotiate a guaranteed maximum price for the project construction based on the defined scope and

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West Program
425A Corporate Circle
Golden, CO 80401

schedule. The project has been divided into three geographic sections: East, Central, and West (described below and in the attached summary).

The second phase of construction is the West Section, with a proposed start in January 2024. The West Section includes reconstruction of I-70 from Hidden Valley\Central City Interchange (I-70 MP243) to Idaho Springs (I-70 MP241). The West Section will improve design speed, increase stopping site distance and add a third lane in the westbound direction. The West Section is expected to be substantially complete in 2027. All greenway trail reconstruction work in the West Section will be completed in package 4. Construction of the remainder of the Central Section is planned to begin in Winter 2024\2025 and be completed by the end of 2028.

Idaho Springs Noise Wall:

A noise wall is included in the scope of the project just east of Exit 241 as shown in the EA (page 61). The noise wall is in a challenging utility corridor and design is complex. The project is committed to constructing the noise wall and this element will be included in the Central Section Package for the project as it allows for more time to ensure an accurate design and the best possible alignment to reduce noise from I-70.

Submittal Documents:

- 1041 Application and Executive Summary
- I-70 Floyd Hill Environmental Assessment Aug 2022
- I-70 Floyd Hill Finding of no Significant Impact Jan 2023
- Floyd Hill Reeval 1 Aug 2023
- Floyd Hill West Section Completed Plan Sheets Nov 2023
- Floyd Hill West Section Completed Special Provisions Nov 2023

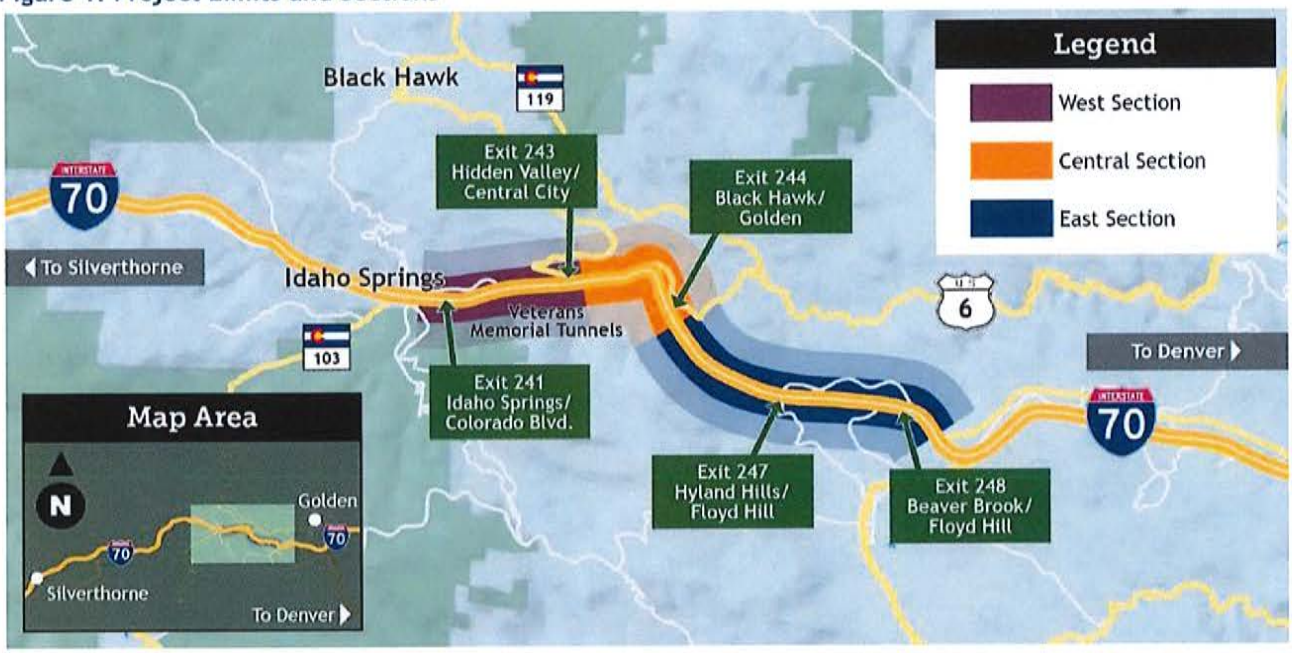
As noted in the summary, these are the documents that were requested for this Project at the 1041 pre-application meeting. Please let us know if you have any questions or if you need additional information.

EXECUTIVE SUMMARY
1041 APPLICATION FOR IDAHO SPRINGS

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are submitting the I-70 Floyd Hill to Veterans Memorial Tunnels Project (Project) for a 1041 permit under the Idaho Springs 1041 Regulations. **A 1041 permit has already been received for the East Section from Clear Creek County and CDOT is now applying for a permit for the West Section.**

The Project will improve travel time reliability, safety, and mobility, and address the deficient infrastructure along 8 miles of I-70 from west of Evergreen in the Floyd Hill area through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs (approximately milepost [MP] 248 to MP 241) (**Error! Reference source not found.**). Major elements of the Project include adding a third westbound travel lane on I-70, constructing a missing frontage road connection, adding an eastbound auxiliary lane to the uphill section of Floyd Hill, improving interchanges and intersections, improving design speeds and stopping sight distance on horizontal curves, improving the Clear Creek Greenway trail, and implementing environmental mitigation for wildlife connectivity, air and water quality, stream conditions, and recreation.

Figure 1. Project Limits and Sections



The Project will complete one of the "specific highway improvements" for a "six-lane component from Floyd Hill through the Twin Tunnels (now the Veterans Memorial Tunnels) including a bike trail and frontage roads from Idaho Springs to Hidden Valley and Hidden Valley to US 6" identified in the Tier 1 I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS) (CDOT, 2011a) and Record of Decision (ROD) (CDOT, 2011b). The PEIS studied and documented decisions for transportation improvements across a 144-mile stretch of I-70 between Colorado State Highway 470 (C-470) in Golden, Colorado, and Glenwood Springs, Colorado (the I-70 Mountain Corridor). Since the ROD, CDOT has completed nearly $500 million of transportation improvements in the Project vicinity to address reliability, efficiency, and safety between Floyd Hill and Empire Junction, the most traveled portion of the I-70 Mountain Corridor.

On January 12, 2023, FHWA and CDOT completed the National Environmental Policy Act (NEPA) process for the Project and signed a Finding of No Significant Impact (FONSI), which is in compliance with 23 Code of Federal Regulations (CFR) 771.119 and 771.121.

CDOT is incorporating public and agency involvement consistent with the I-70 Mountain Corridor Context Sensitive Solutions (CSS) guidance and NEPA requirements. As part of the I-70 Mountain Corridor CSS process, a Project Leadership Team (PLT), a Technical Team (TT), and numerous Issue Task Forces (ITFs) were formed, a context statement was developed, and core values were defined. There have been multiple opportunities for the public to provide feedback, including in-person and online public meetings and through the website. Multiple methods of notification and requests for input were used, including email blasts, postcards, flyers, and newspaper ads. CSS and public and agency involvement will continue through final design and construction.

Purpose and Need

The purpose of the Project is to address the deficient infrastructure and improve travel time reliability, safety, and mobility along 7 miles of I-70 from west of Evergreen in the Floyd Hill area through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs (approximately milepost [MP] 248 to MP 241).

The Project addresses critical infrastructure deficiencies, including replacing one of the worst-rated bridges in the state. The need for the Project results from the following issues:

- High peak period traffic volumes and limited capacity on I-70 in the westbound direction, which affects regional and local mobility and accessibility
- Unreliable travel times and frequent delays due to traffic congestion on I-70 in the westbound direction
- Occasional closures on the interstate due to severe weather conditions that exacerbate congestion, mobility, and local accessibility challenges
- Safety concerns due to congestion, substandard geometry with tight curves, and steep grades
- Aging and failing infrastructure
- Insufficient infrastructure for pedestrian and bicycle users between US 6 and Idaho Springs
- Lack of road redundancy and parallel routes between US 6 and Idaho Springs, which hinders response times during emergencies

Alternatives Considered

Two action (build) alternatives, the Canyon Viaduct Alternative and the Tunnel Alternative, as well as a No Action alternative, were evaluated in the Environmental Assessment (EA), signed in July 2021. The Canyon Viaduct Alternative was identified as the Preferred Alternative for the Project.

Since the EA, CDOT selected and engaged a Construction Manager/General Contractor (CMGC) team to review the Project design and constructability and refine the EA Preferred Alternative in coordination with the CSS teams. Throughout the process, the teams focused refinements, also referred to as innovations, to the EA Preferred Alternative, Canyon Viaduct Alternative, and did not pursue refinements for the Tunnel Alternative. In the CMGC Refined Preferred Alternative, which is selected in the FONSI, the Project's main elements remain the same, including Express Lane operation, but the I-70 and frontage road alignments have been optimized for constructability. For additional information on design elements and alternatives considered and CMGC design innovations, see the *Alternatives Analysis Technical Report* in Appendix A of the EA and the *Design Innovations Evaluation and CSS Decision Making Process for the CMGC Refined Preferred Alternative* Technical Report in Appendix A of the FONSI.

Project Description

The main Project elements include:

- Adding a third westbound travel lane, which would operate as an Express Lane, that links to the existing westbound I-70 Mountain Express Lane from Idaho Springs to Empire to eliminate severe bottlenecking that currently plagues travel time and reliability in the two-lane section going over Floyd Hill.
- Constructing a missing two-mile section of the frontage road between Evergreen and Idaho Springs.
- Adding an eastbound auxiliary lane to reduce conflicts with slow-moving freight and other vehicles in the uphill section of Floyd Hill.
- Reconstructing highway interchanges, flattening horizontal curves, and replacing deficient bridge structures.
- Implementing surface and ADA improvements to the Clear Creek Greenway to increase traveler safety.
- Implementing environmental mitigation to enhance wildlife connectivity, air and water quality, stream conditions, and recreation.

CMGC Design and Construction Packages

The Project was divided into three geographic sections, shown in Figure 1, to reflect differing roadway and environmental characteristics: East Section from east of the Beaver Brook/Floyd Hill interchange, to Johnson's Gulch at approximately MP 245.5; Central Section between Johnson's Gulch and the Hidden Valley/Central City Parkway interchange; and West Section from the Hidden Valley/Central City Parkway interchange through the Veterans Memorial Tunnels to the Idaho Springs/Colorado Boulevard interchange. The Project will be designed and constructed according to these sections. Three main packages are currently expected, and the schedules for each are outlined below. The West Section is the second portion of the Project to be constructed, and construction is planned to begin in December 2023. An additional package has been added, Early Access and Grading, which is anticipated to start construction around the same time as the West Section and be in preparation for the Central Section construction package, this package is not within the city boundaries of Idaho Springs.

Figure 2. Timeline for Design and Construction Packages

As mentioned above, CDOT is now applying for a permit for the West Section Package. The Main features of the package is outlined below.

West Section

Main features (see Figure 3):

- Continue the third travel lane on westbound I-70 through the Veterans Memorial Tunnels to Exit 241
- Flatten I-70 curves to improve safety and achieve a 55 MPH design speed
- Rebuild the bridges over Clear Creek, just west of Hidden Valley
- Resurface/reconstruct the Clear Creek Greenway trail from the Hidden Valley interchange to the Veterans Memorial Tunnels
- Construct a noise wall east of Idaho Springs exit 241. (Included in the Central Section construction package)

Figure 3. West Section, Design Model, View East from Veterans Memorial Tunnels

OTHER CDOT PROJECTS OCCURRING IN THE STUDY AREA IN NEXT 3 YEARS

US 40 & Floyd Hill Roundabouts

The US 40 & Floyd Hill Roundabouts project, identified as one of the Floyd Hill Early Projects, will construct new roundabout intersections at US 40 and County Road 65 (westbound I-70 Exit 248) and US 40 and Homestead Road (eastbound I-70 Exit 247). The project will improve intersection operations and safety, reduce conflict and ease intersection congestion, and improve bicycle safety at intersections through bicycle specific signing, lower vehicle speeds, and the ability for cyclists to use the full lane. Construction on the Roundabouts began in December 2023 and is expected to be complete in late 2023.

ENVIRONMENTAL AND SOCIOECONOMIC IMPACTS

Table 1 includes a summary of the environmental and socioeconomic impacts identified for the Project. More detail is contained in the *I-70 Floyd Hill to Veterans Memorial Tunnels Environmental Assessment* (CDOT 2021) and *I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact* (CDOT 2023).

Table 1. Summary of Environmental and Socioeconomic Impacts

Resource	Description of Impacts
Air Quality	Dust during construction; higher pollution emissions in construction areas nearest to equipment. Positive effects of reduced air pollution associated with congestion. See Section 4.1 of the EA and Section 4.4 of the FONSI for additional information. Two air quality monitors are in place in the eastern and western portions of the project area. One monitor is located on top of Floyd Hill at the fire station and the other monitor is located on top of the Clear Creek County medical building in eastern Idaho Springs. To date, there have been no exceedances and during rock scaling events, the measurements have remained low and not near exceedance levels.
Cultural Resources	There will be ground disturbing construction activities affecting a portion of an NRHP-eligible archaeological site. There will also be construction impacts to non-supporting segment of the historically significant Colorado Central Railroad (5CC.427) alignment and remnant railroad retaining walls and potential access disruptions to historic sites in Idaho Springs. See Section 4.1 of the EA and Section 4.5 of the FONSI for additional information.
Floodplains	Construction within the floodplain can result in changes to base flood elevations or floodplain limits. Project includes design criterion to minimize floodplain impacts to less than 0.5-foot rise and will avoid a Conditional Letter of Map Revision per agreements with the Clear Creek County and Idaho Springs floodplain administrators. See Section 4.1 of the EA and Section 4.6 of the FONSI for additional information. Since the FONSI, it has also been determined that bridge embankment walls for the I-70 westbound bridge over Clear Creek can be removed from Clear Creek in the West Section. The wall removal was a recommendation from the Stream and Wetland Ecological Enhancement Program (SWEEP) Issue Task Force (ITF) and has been incorporated into the West Section design. The current design is expected to maintain the same floodplain and channel topography (elevation) as the existing condition and hydraulic analysis confirms that removing the walls is not expected to change floodplain width, conditions, or flows.

Resource	Description of Impacts
Geologic Resources	There will be approximately 400,000 cubic yards (CY) of rock excavation between Hidden Valley and the Veterans Memorial Tunnels on the north side of Clear Creek Canyon. Other excavations are associated with the cuts on the south side of the highway in the county-owned Hidden Valley Open Space and north of the highway in the Central Section and total approximately 260,000 CY. See Section 4.1 of the EA, Section 4.7 of the FONSI, and additional graphics (Figures 6 and 7) detailing locations of rock excavations and simulation of the largest excavation east of Veterans Memorial Tunnels in "Additional Information" below.
Hazardous Materials	Subsurface excavation may affect hazardous materials facilities with high or moderate risks for encountering contaminated soils or groundwater, particularly in the vicinity of the US 6 and Hidden Valley interchanges. Regulated materials such as asbestos and/or lead-based paint may be present on bridges or structures that would require demolition. Any contamination associated with the CDOT maintenance facility will be addressed when this site is redeveloped or relocated. See Section 4.1 of the EA and Section 4.8 of the FONSI for additional information.
Noise	Noise levels would continue to exceed CDOT noise abatement criteria for many noise-sensitive receptors, primarily residences. Noise abatement was considered for all impacted receptors, and a noise wall was found to be feasible and reasonable for impacted residents in eastern Idaho Springs. The wall is expected to be approximately 890 feet long and between 14 and 16 feet high. The recommended noise wall would provide at least a 5 decibel reduction in noise for 32 affected receptors and will be included as part of the Project design if a majority of the benefitted receptors support the wall who will be surveyed when the final design of the noise wall is completed. Due to complications with utilities where the noise wall is located, final design is taking longer and the noise wall is not part of the West Section construction package. It will be included as part of the Central Section construction package. Noise conditions along the Greenway are expected to improve with I-70 elevated. See Section 4.1 of the EA and Section 4.10 of the FONSI.

Resource	Description of Impacts
Recreational Resources	The Clear Creek Greenway trail and Clear Creek riparian areas will be substantially improved by the Project. The Greenway trail will be resurfaced and reconstructed to Clear Creek County standards. Reclamation/enhancement of Clear Creek and riparian areas where the existing I-70 pavement will be removed will improve creek health. Removal of the highway from the canyon floor will transform recreational experiences in and adjacent to Clear Creek, including the Clear Creek Greenway. Collaborative design of the Greenway and creek improvements includes recreational interests, such as rafting, fishing, and biking groups. Construction will temporarily disrupt use of the Greenway trail and other recreational creek activities, including rafting and fishing, due to periodic rock-blasting and other safety closures of Clear Creek for several years. See Section 4.1 of the EA and Section 4.11 of the FONSI for additional information. In the West Section, a riparian bench with native plantings will be added to improve habitat along Clear Creek. See graphic simulations (Figure 8) of the riparian bench in "Additional Information" below. The Greenway trail will not be impacted by West Section construction. However, it will be substantially impacted by the Early Access and Grading Package. The Greenway trail will be used for construction access and staging in the Saddlecut area of the Central Section and there is not a way to keep the trail open once construction begins for safety reasons. The trail is anticipated to be closed for approximately three of the five years of construction in the Central Section between approximately Hidden Valley and US 6. CDOT is working with stakeholders and creek users to determine where in-stream uses could be safely permitted, and river closures during rafting season would be avoided or limited. Although trail closures are unavoidable, CDOT will provide advanced notification to Greenway trail users about the closures and will keep the website updated with the status. Trail and bicycle user groups in addition to Clear Creek County are part of the project's Technical Team, and discussions have included the closures, alternate routes, and notifications. Alternate routes may not feasible because no reasonable routes are available around the work zone due to length and proximity to rock blasting and potential rockfall locations. CDOT is currently working on notifications for trail users, including signage in advance of the closure, email and text message notifications to those who have subscribed, notifications through the user groups to their contacts and on their websites, and closure information on COTrip if possible. CDOT is also working on notices and potential shuttles for long-haul cyclists that may not be informed of the trail closure. Coordination will continue through construction.
Land Use and Right-of-Way	There will be acquisitions of approximately 22.8 acres of public property, primarily from Clear Creek County, and approximately 0.1 acre of private property; relocation of the CDOT maintenance facility; and potential relocation of two water wells, one owned by Clear Creek County. See Section 4.1 of the EA and Section 4.9 of the FONSI for additional information.

Resource	Description of Impacts
Socioeconomic Resources	The Project includes improvements to local and regional travel, access to local communities, and connection of the I-70 frontage road to provide alternate routes to I-70 both during and after construction. There will be reduced I-70 traffic diversion onto local roads when the Project is complete. There will be changes in access for Two Bears Tap and Grill and river recreation outfitters due to modifications to the US 6 interchange. Construction-related impacts include an increase in emergency response travel times between Clear Creek County and medical services in Jefferson County; increase in travel times to reach residences, businesses, and recreational destinations; and economic losses due to reduced through-traveler patronage at local businesses. There will also be economic benefits to local businesses due to patronage of construction workers at local establishments. See Section 4.1 of the EA and Section 4.13 of the FONSI for additional information.
Threatened and Endangered Species	Construction could affect riparian vegetation and could introduce/spread noxious weeds in Preble's meadow jumping mouse, Townsend's big-eared bat, northern leopard frog, and Monarch butterfly habitats. Improvements to and an increase in acreages of riparian habitat will improve conditions for Preble's meadow jumping mouse, Townsend's big-eared bat, and northern leopard frog. See Section 4.1 of the EA and Section 4.14 of the FONSI for additional information.
Utilities	There will be disturbances to and relocation of underground and overhead utilities during construction. See Section 4.1 of the EA for additional information.
Vegetation and Noxious Weeds	Clearing and removal of vegetation exposes soils to erosion and disturbs habitat, which has the potential to introduce noxious weeds or contribute to the spread of noxious weeds. There will be an increase in riparian vegetation due to the reclamation of 10.5 acres of existing I-70 highway that will be removed. See Section 4.1 of the EA and Section 4.15 of the FONSI for additional information. In the West Section, a riparian bench with native plantings will be added to improve habitat along Clear Creek. See graphic simulations (Figure 8) of the riparian bench in "Additional Information" below.
Visual Resources	There will be an introduction of additional built elements into the landscape, causing potential for additional disruption of visual coherence in the landscape and strong visual contrast with natural features; blocking views from some locations along the Greenway trail and Clear Creek; shading of landforms and vegetation under the viaduct may affect visual quality; and visual disorder during construction due to presence of equipment, dust and debris, temporary fencing, material stockpiles, barren landforms, nighttime lighting, etc. See Section 4.1 of the EA and Section 4.16 of the FONSI for additional information.

Resource	Description of Impacts
Water Quality	Runoff from the expanded roadway may cause impacts to water resources, which include elevated sediment and chloride levels in Clear Creek due to winter maintenance activities, including use of liquid and solid deicer salts, and increased erosion leading to increased sedimentation to adjacent water resources. Permanent water quality measures will be part of the Project and include detention basins and vegetated swales. In addition, CDOT's water quality monitoring program will continue to keep CDOT and stakeholders informed about water quality conditions in Clear Creek. See Section 4.1 of the EA and Section 4.17 of the FONSI for additional information. CDOT avoids and minimizes degradation of Clear Creek to the extent possible. During construction, there are water quality control measures put in place so that there aren't discharges into the creek. This project also includes permanent water quality control measures that will improve water quality in the long-term. As mentioned above, these include detention ponds and vegetated roadside swales to allow as many pollutants to settle out before reaching the creek as possible. In addition, CDOT Maintenance has implemented training and technology to use the least amount of deicer products possible while preserving the safety of the traveling public during winter storms. With the decrease in deicers being used, there are less chlorides being released into Clear Creek. CDOT Maintenance continues to look into advancements in winter maintenance practices and implements them as applicable.
Wetlands and Aquatic Resources	Clear Creek will no longer be realigned in the Central Section of the Project area and will no longer require an Individual Section 404 Permit. See Section 4.1 of the EA and Section 4.18 of the FONSI. This change will be included and documented in Reevaluation #2 for the Central Section. In the West Section, impacts to wetlands and other waters of the US now include 0.006 acre of permanent impacts to wetlands and 0.10 acre of permanent impacts to Clear Creek (less than what was presented in the FONSI of 0.17 acre impact to wetlands). Impacts stem from creek enhancements and removing bridge embankment walls for the I-70 westbound bridge over Clear Creek. CDOT has coordinated with the US Army Corps of Engineers, who determined these impacts can and should be permitted under Nationwide Permit 27, Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

Resource	Description of Impacts
Wildlife and Aquatic Species	There will be improved riparian habitat through stream restoration and enhancements that are part of the Project. There will also be reduced wildlife-vehicle conflicts due to elevated I-70 in the Central Section and reduced wildlife-vehicle collisions in the East Section due to wildlife fencing. I-70 remains a barrier to wildlife movement, fragmenting habitat and furthering loss of connectivity between populations and decreased genetic diversity. There is a potential for rockfall mesh to inadvertently trap birds or bighorn sheep. There will be temporary impacts to the movement of nocturnal species and birds that migrate at night due to construction lighting; possible effects to raptors, including temporary displacement, auditory disturbance, and habitat loss; potential fish, invertebrate, and macroinvertebrate mortality from construction activities and runoff from the highway; and downstream pools, used for fish over wintering, could be destroyed or filled in during construction. Temporary impacts to fish migration and access to upstream spawning habitat may also occur during construction. See Section 4.1 of the EA and Section 4.19 of the FONSI for additional information. In the West Section, a riparian bench with native plantings will be added to improve habitat along Clear Creek. See graphic simulations (Figure 8) of the riparian bench in "Additional Information" below. Aquatic species are regularly monitored in Clear Creek. Colorado Parks and Wildlife (CPW) released its 2020 report titled "Stream Habitat Investigations and Assistance Project Summary", which can be found here: https://cpw.state.co.us/Documents/Research/Aquatic/pdf/Publications/Stream-Habitat-Investigations-2020.pdf. The summary includes a section on the Twin Tunnels Habitat Restoration Project in Clear Creek County from 2015, which is in the West Section of the project. That restoration project converted a channelized, rip-rapped, and disconnected floodplain stream reach to a moderately-confined, non-rip-rapped stream with a functional floodplain. This section of the document evaluates the trout population's response to that restoration project. The evaluation concluded that post-project monitoring of Brown Trout populations suggests that habitat treatments have resulted in an increase in Brown Trout density and biomass in both high- and low-intensity treatment segments. Within the control reach, Brown Trout density and biomass did not change significantly over the same pre- and post-monitoring period (Brown Trout density = 32% increase; Brown Trout biomass = 0.6% increase). The magnitude of change for Brown Trout density within the high-intensity segment (182%) was higher as compared to the low-intensity segment (104%). The magnitude of change for Brown Trout biomass increased even more within the high-intensity segment (422%) as compared to the low-intensity segment (76%). This suggests that the Brown Trout population within the high-intensity site not only had more fish per linear distance (density increase) than the low-intensity site, but also the population within the high-intensity site experienced a shift toward larger, adult fish within the high-intensity treatment site (much larger increase in total Brown Trout biomass) as compared with the low-intensity treatment site. The CPW results suggest that the conversion of highly-confined, channelized and riprapped, single-stage streams to a reference-like historic condition can lead to large increases in trout population abundance and biomass.

Mitigation measures for the impacts discussed above are included in Appendix B, Mitigation Tracking Spreadsheet, of the *I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact* (CDOT 2023).

ADDITIONAL INFORMATION
Geologic Resources

Figure 6. Rock Cuts in Project Area

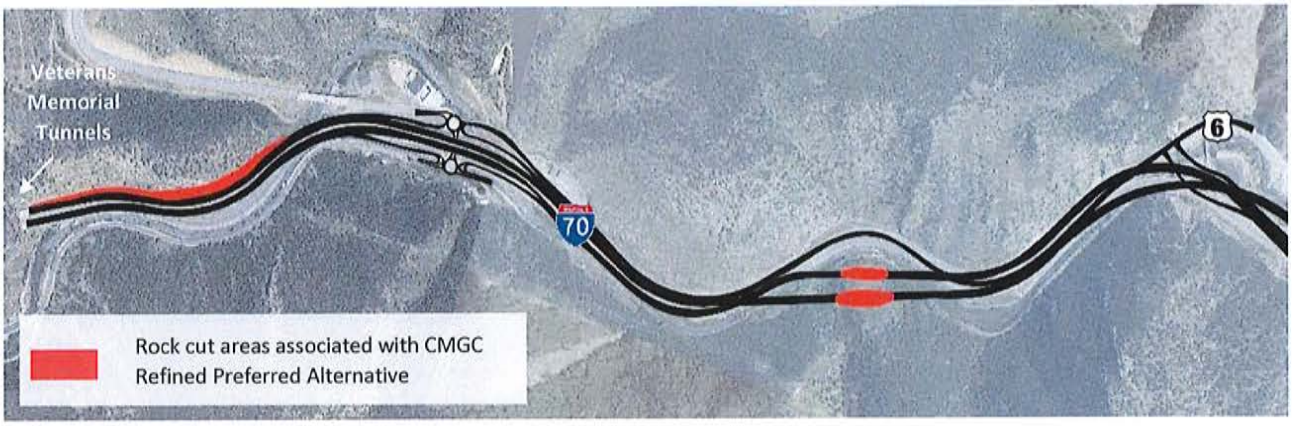
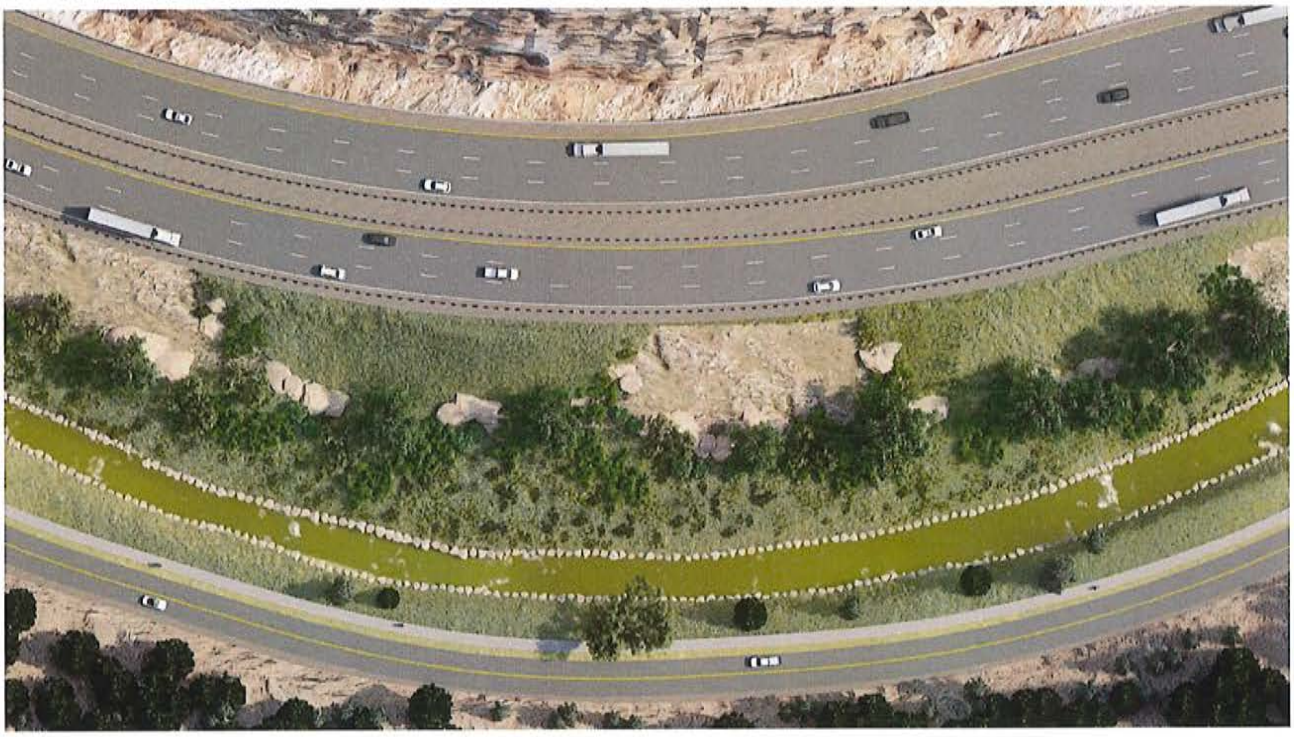


Figure 7. Simulation of Rock Cut, West Section, View East from Veterans Memorial Tunnels

Vegetation and Noxious Weeds

FIGURE 8. PROPOSED RIPARIAN BENCH SIMULATIONS



REFERENCES

23 CFR § 771.119

23 CFR § 771.121

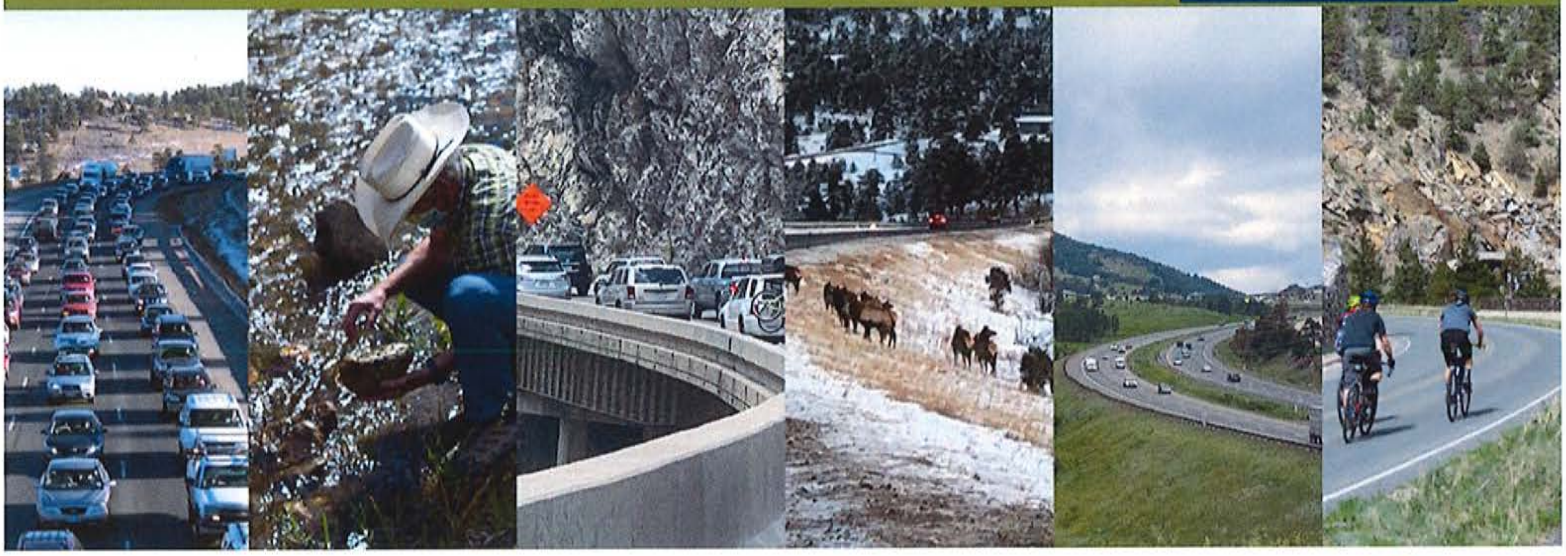
CDOT. 2021. *I-70 Floyd Hill to Veterans Memorial Tunnels Environmental Assessment* (EA). Available at: I-70 Floyd Hill National Environmental Policy Act Process — Colorado Department of Transportation (codot.gov)

CDOT 2023. *I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact* (FONSI). Available at: I-70 Floyd Hill National Environmental Policy Act Process — Colorado Department of Transportation (codot.gov)

I-70 Floyd Hill to Veterans Memorial Tunnels

Finding of No Significant Impact

I-70 FLOYD HILL TO VETERANS MEMORIAL TUNNELS



Lead Agencies

January 2023

U.S. Department of Transportation
Federal Highway Administration

COLORADO
Department of Transportation

Project Number: NHPP 0703-445, Project Code: 21912
Jefferson and Clear Creek Counties, Colorado

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FHWA has determined that the Construction Manager/General Contractor (CMGC) Refined Preferred Alternative described in Chapter 2 of this document, which was refined from the Environmental Assessment (EA) Preferred Alternative, will have no significant impact on the human or natural environment. This FONSI is based on the EA, environmental reevaluation of the CMGC Refined Preferred Alternative in Chapter 4 of this document, and the proposed mitigation in Appendix B, which FHWA has independently evaluated and determined adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and include appropriate mitigation measures. These documents provide sufficient evidence and analysis to determine that an Environmental Impact Statement (EIS) is not required. FHWA takes full responsibility for the accuracy, scope, and content of the EA and FONSI.

Submitted by:

Jessica Myklebust
Region 1 Transportation Director
Colorado Department of Transportation

1/12/23
Date

Concurred by:

Stephen Harelson, P.E.
Chief Engineer
Colorado Department of Transportation

12 Jan 2023
Date

Approved by:

John M. Cater, P.E.
Division Administrator, Colorado Division
Federal Highway Administration

1/12/23
Date

The Federal Highway Administration may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) § 139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

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ACRONYMS

ACHP	Advisory Council on Historic Preservation
ALIVE	A Landscape Level Inventory of Valued Ecosystem Components
APCD	Air Pollution Control Division
APE	Area of Potential Effects
BFE	base flood elevation
CDPHE	Colorado Department of Public Health and Environment
CDOT	Colorado Department of Transportation
C-	Colorado State Highway
CLOMR	Conditional Letter of Map Revision
CM	control measure
CMGC	Construction Manager / General Contractor
CPW	Colorado Parks and Wildlife
CR	County Road
CRS	Colorado Revised Statutes
CSS	Context Sensitive Solutions
CSQT	Colorado Stream Quantification Tool
CY	cubic yards
dbA	A-weighted decibels
DOT	Department of Transportation
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	US Environmental Protection Agency
ESA	Endangered Species Act
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GHG	greenhouse gas
I-70	Interstate 70
IAR	Interchange Access Request
INFRA	Nationally Significant Multimodal Freight and Highway Projects Grant Program
ITF	Issue Task Force
LIZ	linkage interference zone
LOMR	Letter of Map Revision
LOS	level of service
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding

MP	milepost
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
PEIS	Programmatic Environmental Impact Statement
PLT	Project Leadership Team
PMJM	Preble's meadow jumping mouse
Project	I-70 Floyd Hill to Veterans Memorial Tunnels Project
ROD	Record of Decision
SB	Senate Bill
SCAP	Sediment Action Control Plan
SELDM	Stochastic Empirical Loading and Dilution Model
SHPO	State Historic Preservation Officer
SWEEP	Stream and Wetland Ecological Enhancement Program
TT	Technical Team
US 6	US Highway 6
US 40	US Highway 40
USACE	US Army Corps of Engineers
VIA	Visual Impact Assessment

1.0 INTRODUCTION

This Finding of No Significant Impact (FONSI) completes the National Environmental Policy Act (NEPA) process for the Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels Project (the Project). It conveys the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) decision to implement the Construction Manager/General Contractor (CMGC) Refined Preferred Alternative for the Project, provides updates to the Project since the release of the Environmental Assessment (EA), and describes and evaluates the innovations (design modifications and refinements) included in the Project after the EA was published. The FONSI is organized as follows.

Chapter 1: Introduction

- Describes the Project background, Project activities conducted after the release of the EA, and process to refine and select the CMGC Refined Preferred Alternative.

Chapter 2: Selected Alternative

- Describes the CMGC Refined Preferred Alternative recommended and endorsed through the innovations review process.

Chapter 3: Project Updates and Changes after the EA Release

- Provides updates on the Project design and construction, details progress on Early Projects, and describes changes in environmental conditions or requirements after the EA was published.

Chapter 4: Environmental Reevaluation

- Evaluates the environmental impacts of the CMGC Refined Preferred Alternative and compares impacts to the EA Preferred Alternative.

Chapter 5: Mitigation Commitments

- Outlines the Project's mitigation commitments.

Chapter 6: Public and Agency Involvement

- Describes the public and agency review process for the EA, comments received on the EA, and how CDOT responded to those comments. Also discusses public input to the Project during the CMGC innovation review after the EA comment period ended.

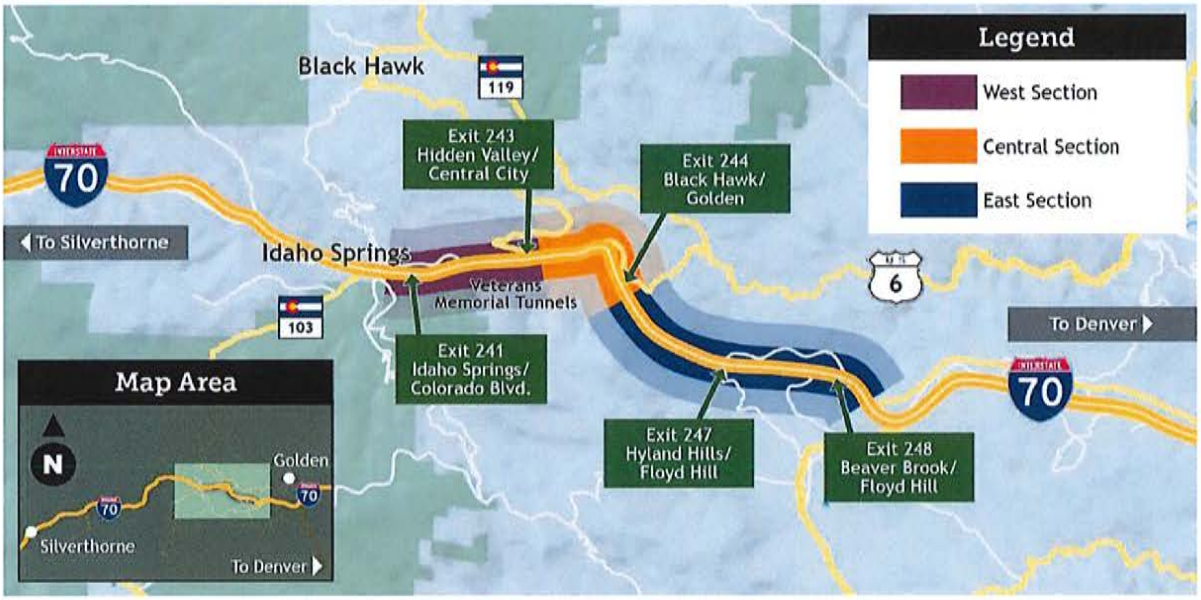
1.1 Project Description

CDOT and FHWA propose the I-70 Floyd Hill Project to address the deficient infrastructure and improve travel time reliability, safety, and mobility along 7 miles of I-70 from west of Evergreen in the Floyd Hill area through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs (approximately milepost [MP] 248 to MP 241) (Figure 1). Major elements of the Project include adding a third westbound travel lane on I-70, constructing a missing frontage road connection, adding an eastbound

auxiliary lane to the uphill section of Floyd Hill, improving interchanges and intersections, improving design speeds and stopping sight distance on horizontal curves, improving the Clear Creek Greenway trail, and implementing environmental mitigation for wildlife connectivity, air and water quality, stream conditions, and recreation.

The Project addresses critical infrastructure deficiencies, including replacing one of the worst-rated bridges in the state, and would complete one of the "specific highway improvements" for a "six-lane component from Floyd Hill through the Twin Tunnels (now the Veterans Memorial Tunnels) including a bike trail and frontage roads from Idaho Springs to Hidden Valley and Hidden Valley to US 6" identified in the Tier 1 I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS) (CDOT, 2011a) and Record of Decision (ROD) (CDOT, 2011b). The PEIS studied and documented decisions for transportation improvements across a 144-mile stretch of I-70 between Colorado State Highway 470 (C-470) in Golden, Colorado, and Glenwood Springs, Colorado (the I-70 Mountain Corridor). Since the ROD, CDOT has completed nearly $500 million of transportation improvements in the Project vicinity to address reliability, efficiency, and safety between Floyd Hill and Empire Junction, the most traveled portion of the I-70 Mountain Corridor. The Project complements these investments and, as such, is a high priority for CDOT, stakeholders, and area residents.

Figure 1. Project Location



The Project is located mostly within Clear Creek County, with the eastern two miles located within Jefferson County. Five interchanges are located within the Project limits: the Beaver Brook/Floyd Hill interchange (Exit 248) near the top of Floyd Hill; the Hyland Hills/Floyd Hill interchange (Exit 247) also near the top of Floyd Hill; the junction of I-70 with United States Highway 6 (US 6) (Exit 244) near the base of Floyd Hill; the Hidden Valley/Central City interchange (Exit 243); and the Idaho Springs/Colorado Boulevard interchange (Exit 241).

From just west of the Hyland Hills/Floyd Hill interchange, westbound I-70 narrows from three lanes to two lanes and continues as two lanes through the Project limits. West of the Project limits, the Mountain Express Lane provides three-lane capacity from Idaho Springs to Empire during peak travel periods. The bottleneck of two-lane capacity through the Project area results in extensive queuing and

travel delays of 30 minutes or more during peak holiday and weekend travel periods; delays are expected to increase to 90 minutes by 2045. The Project will provide a third travel lane through the bottleneck. The new lane will be a tolled Express Lane and will connect to the Mountain Express Lane in Idaho Springs.

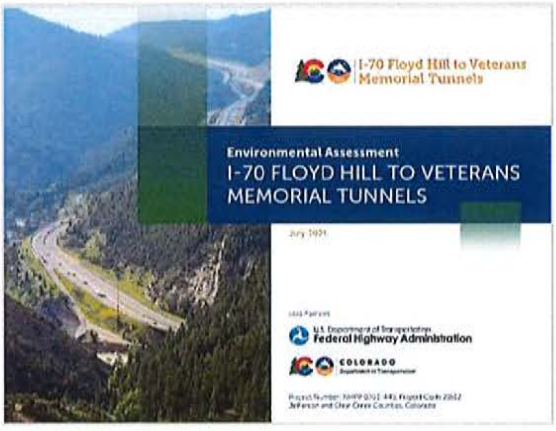
Between the US 6 and Hidden Valley/Central City interchanges, the I-70 frontage road is disconnected. East of US 6, United States Highway 40 (US 40) acts as a frontage road, and west of Hidden Valley/Central City, County Road (CR) 314 acts as a frontage road. The Project would construct the missing segment of the frontage road as included in the ROD. The Project would also reconstruct the segment of the Clear Creek Greenway trail in the Project area from US 6 to the Veterans Memorial Tunnels. The Clear Creek Greenway is a recreational system that when fully constructed will provide a bike trail that spans Clear Creek County from east to west and connects the Peak-to-Peak Trail in Jefferson County to the Continental Divide National Scenic Trail in Summit County.

The Project corridor was divided into three geographic sections, illustrated in Figure 1, to reflect differing roadway and environmental characteristics. Floyd Hill, an approximately two-mile-long, steep incline, averaging nearly 6 percent grade is included in the East and Central Sections of the Project. The top of Floyd Hill, with an elevation of approximately 7,900 feet, is located in the East Section just east of the Hyland Hills/Floyd Hill interchange where westbound I-70 narrows from three lanes to two lanes. The East Section ends midway down Floyd Hill at approximately Johnson's Gulch. The bottom of Floyd Hill, at an elevation of approximately 7,240 feet, is in the Central Section of the Project along a sharp horizontal curve near the US 6 westbound entrance to I-70.

The Central and West Sections of the Project include a series of horizontal curves that have design speeds of less than 55 miles per hour (CDOT, 2016). Through the Central Section from US 6 to the Hidden Valley/Central City interchange, I-70 parallels Clear Creek in the floor of the narrow Clear Creek Canyon surrounded both north and south by steep mountain faces. The West Section from the Hidden Valley/Central City interchange through the Veterans Memorial Tunnels to the Idaho Springs/Colorado Boulevard interchange has similar constraints to the Central Section with the additional consideration of tying into the expanded Veterans Memorial Tunnels and the Idaho Springs/Colorado Boulevard interchange.

1.2 Environmental Assessment

The NEPA process for the Project was initiated in 2017, and in August 2021, CDOT and FHWA released an EA for the Project. The EA evaluated two action alternatives, the Canyon Viaduct Alternative and the Tunnel Alternative, and a No Action Alternative. The EA identified the Canyon Viaduct Alternative as the Preferred Alternative, which is referred to as the EA Preferred Alternative in this FONSI.



The EA followed the I-70 Mountain Corridor Context Sensitive Solutions (CSS) process, which is a commitment of the ROD and used for all Tier 2 NEPA processes.[1] The CSS process brings together a multi-

[1] Tiering is a staged approach to NEPA that addresses broad programs and issues in initial (Tier 1) or systems level analyses and analyzes site-specific proposals and impacts in subsequent tier studies.

disciplined, multi-interest stakeholder group tasked with providing guidance for projects and ensuring that stakeholder values, such as preserving and maintaining scenic and environmental integrity, are incorporated into the project decision making process. Numerous stakeholder groups were represented on the Project Leadership Team (PLT), Technical Team (TT), and Issue Task Forces (ITFs); these teams and the CSS process were central to the Project development and are referenced throughout this document.

1.3 CMGC Innovations and Design Refinements

In late 2021 and early 2022, CDOT conducted a project delivery review and completed a Project Delivery Selection Matrix to determine the type of delivery (design and construction procurement) for the Project. Through this process, CDOT determined that a CMGC procurement process best fit the Project context and goals. CMGC project delivery allows an owner to engage a construction manager during the design process to provide constructability input. At approximately 60 percent and 90 percent design completion, the owner and construction manager negotiate a guaranteed maximum price for the project construction based on the defined scope and schedule. Project conditions that differentiated CMGC over other alternative delivery methods, like Design-Build, or traditional Design-Bid-Build delivery include:

- Specialized work for viaducts, rock blasting, maintenance of traffic, and phasing
- Need for contractor input on design concept, optimization, and constructability
- Better ability to identify, assign, and mitigate Project risks
- Compatibility with the CSS process and community participation in design and innovation review
- Ability to respond to potential incremental funding

CDOT conducted an extensive Request for Proposals process and held several industry informational events before the CMGC design and construction manager contracts were advertised in October 2021. In December 2021, three firms were shortlisted for final interview for each contract, and in January 2022, CDOT selected the CMGC team of Atkins Global for Design Engineering services and Kraemer North America for Construction Manager services.

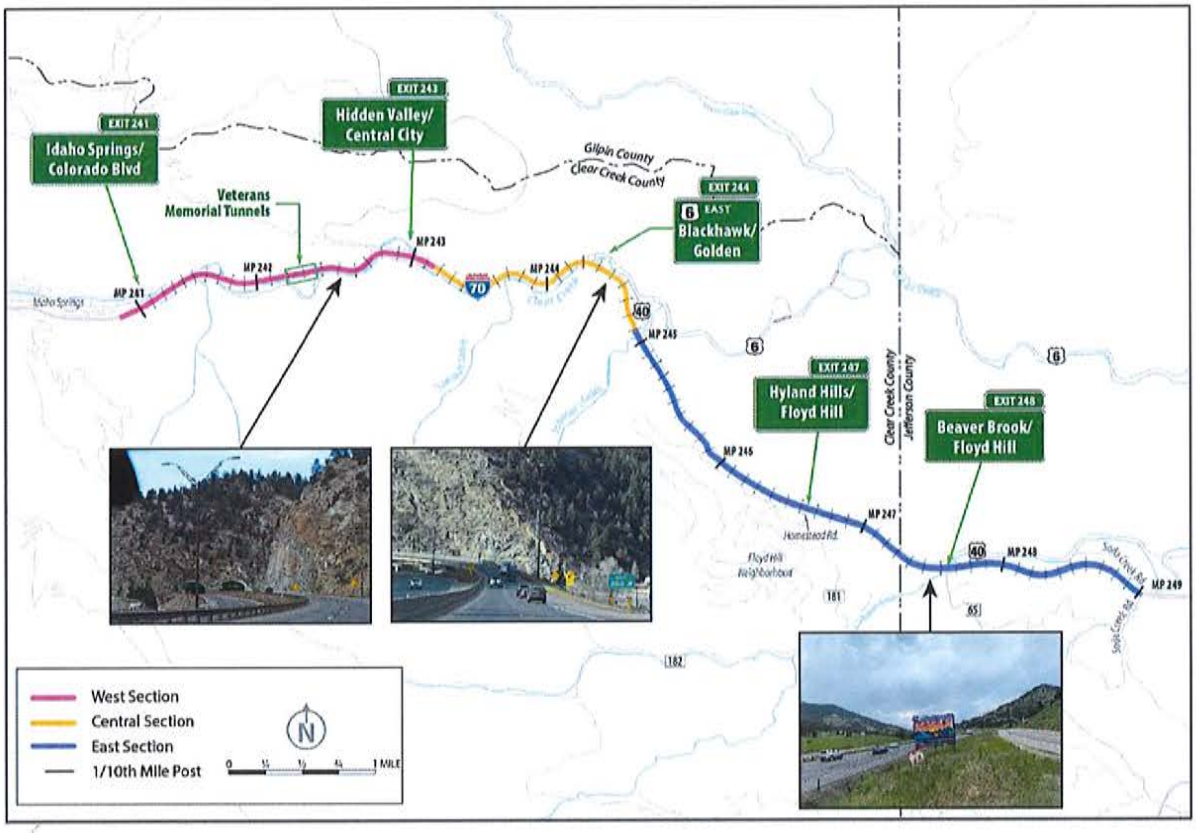
In April 2022, the CMGC team initiated a process to develop design and construction innovations for the EA Preferred Alternative. Between April and September 2022, CDOT, FHWA, and the CMGC consultants engaged the Project's TT to review the innovations. As a result, several design refinements or innovations were recommended and incorporated into the CMGC Refined Preferred Alternative, which was endorsed as the Project's Preferred Alternative selected in this FONSI, as described in Chapter 2.

2.0 SELECTED ALTERNATIVE

CDOT and FHWA have selected the CMGC Refined Preferred Alternative for the Project. The selected alternative is based on the EA Preferred Alternative (identified as the Canyon Viaduct Alternative in the EA), which has been refined through the CMGC process.[2] The CMGC Refined Preferred Alternative improved the EA Preferred Alternative by incorporating design innovations, which have reduced the Project's impacts and increased its benefits. It has been endorsed by the Project teams involved in the I-70 Mountain Corridor CSS process and is responsive to substantial input from the public.

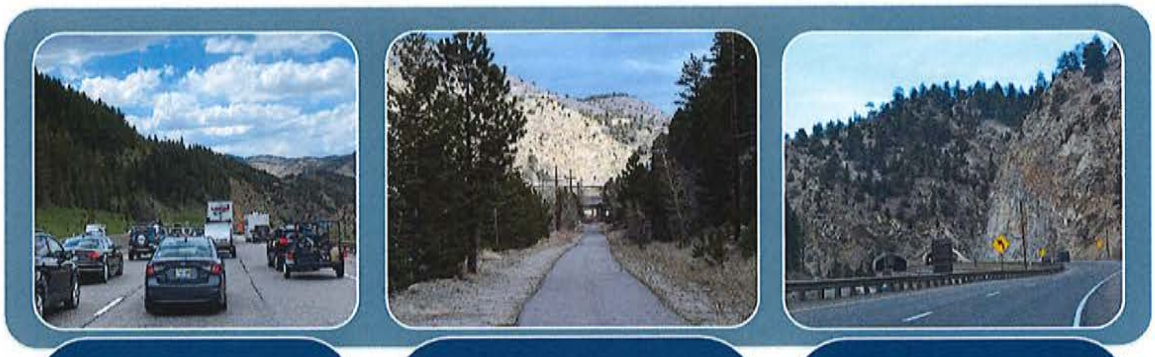
The Project has been designed and will be constructed in three distinct geographic packages (Figure 2 and Figure 3). Limits of the Project Sections differ slightly from what was presented in the EA, to support construction phasing and packaging: the Central Section has been extended east to encompass the full US 6 interchange and ramps, and the West Section has also been extended east to encompass the Hidden Valley/Central City interchange.

Figure 2. Project Limits and Sections



[2] CDOT also considered a Tunnel Alternative in the EA, but both the EA analysis and the subsequent design and construction review through the CMGC delivery process confirmed that the EA Preferred Alternative (the Canyon Viaduct Alternative) concept would best meet the Project's purpose and need and goals, fit the social and environmental context of the surrounding area, and support community and environmental values with the least environmental impacts and greatest opportunity for enhancements and should be the foundation for innovations.

Figure 3. Project Elements in the East, Central, and West Sections



EAST SECTION

The East Section extends from east of the Floyd Hill neighborhood to midway down Floyd Hill. In the East Section, a new westbound travel lane will be provided from the Hyland Hills/Floyd Hill interchange where westbound I70 narrows from three lanes to two lanes. East of the Hyland Hills/Floyd Hill exit, a transition area will be provided in the three-lane section for the new Express Lane, and wildlife fencing will be installed on both sides of I70 from the Hyland Hills/Floyd Hill exit east to Soda Creek Road. A new eastbound auxiliary lane will be provided in the uphill direction of Floyd Hill between the US 6 and Hyland Hills/Floyd Hill interchanges to reduce conflicts with slow moving vehicles on the steep grade.

CENTRAL SECTION

The Central Section extends west from midway down Floyd Hill including the US 6 interchange to just east of the Central City/Hidden Valley interchange. In this Section, the Project will continue the new westbound I70 Express Lane and will construct the missing frontage road connection between between the US 6 and Hidden Valley/Central City intechanges. The US 6 interchange movements will be modified: the westbound US 6 to I70 and eastbound I70 to US 6 accesses will be relocated to the Hidden Valley/Central City interchange via the new frontage road, a new US 6 to eastbound I70 ramp will be provided, and the existing I70 westbound off-ramp to US 6 will be realigned and rebuilt. The Clear Creek Greenway trail will be reconstructed. A portion of Clear Creek east of Hidden Valley/Central City interchange will be realigned, and Clear Creek riparian areas and river accesses will be restored or enhanced.

WEST SECTION

The West Section includes the Central City/Hidden Valley interchange at MP 243 and continues west through the Veterans Memorial Tunnels to the Idaho Springs/Colorado Boulevard interchange at MP 241. CR 314 runs on the south side of Clear Creek Canyon, acting as the I70 frontage road between Idaho Springs and Hidden Valley/Central City interchange and will not be affected by the Project. Through the West Section, the Project will continue the new westbound I70 Express Lane and improvements to the Clear Creek Greenway trail. The Hidden Valley/Central City Parkway interchange will be improved with roundabout intersections to accomodate the US 6/ I70 westbound on and eastbound off movements from the extended US 6 frontage road. A new noise wall will be provided in east Idaho Springs.

The CMGC team developed and then refined innovations in each of the Project sections to improve constructability, optimize the design, reduce impacts, support environmental and community values, and lower costs. The evaluation of innovations followed a structured and disciplined process where the CMGC design team identified innovations and presented initial concepts to the TT. The TT then determined if a proposed concept warranted further consideration and whether an ITF was needed to conduct an initial evaluation and provide a recommendation or additional information to the TT. The

CMGC design team then refined the concept, with ITF input if needed, and the TT considered the recommendation, asked for additional review or refinements, and either endorsed or rejected the innovation for inclusion in the CMGC Revised Preferred Alternative.

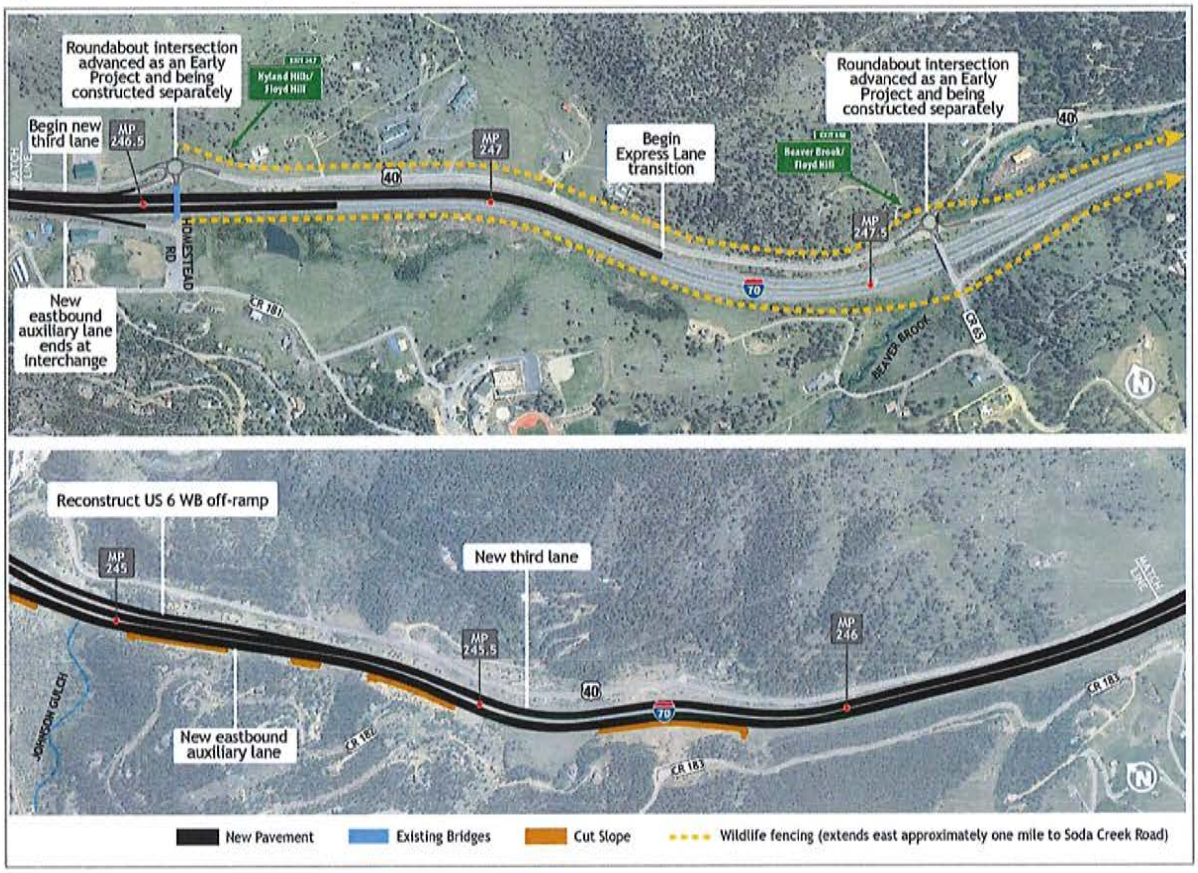
Ultimately, the CMGC Refined Preferred Alternative incorporated several innovations proposed by the CMGC team, which included substantial alignment modifications in the Central and West Sections and many smaller refinements recommended by the TT. The TT also identified areas where additional design or construction detail was needed to track issues or outstanding questions about impacts, mitigation, or tradeoffs as final design progresses. These issues were captured in a CSS tracking spreadsheet to be considered as the design progresses. The resulting CMGC Refined Preferred Alternative selected in this FONSI has been endorsed through the CSS process by the PLT based on the TT recommendations. Appendix A presents a detailed account of the innovations considered but included in the CMGC Refined Preferred Alternative, as well as those that were considered and rejected, including meeting summaries and supporting documents for the PLT, TT, and ITF meetings over the innovation evaluation period between April and November 2022.

2.1 East Section

The East Section of the Project includes the beginning of the new westbound Express Lane, a third travel lane from Floyd Hill through the Veterans Memorial Tunnels that will connect with the existing Westbound Mountain Express Lane from Idaho Springs to Empire. The East Section also includes an eastbound auxiliary lane from the bottom of Floyd Hill at US 6 to the Hyland Hills/Floyd Hill interchange. The eastbound auxiliary lane will connect to a new I-70 eastbound on-ramp from US 6; changes in the US 6 movements are described in the Central Section. Wildlife fencing is included throughout the East Section on both sides of I-70 from the Hyland Hills/Floyd Hill exit east to Soda Creek Road to address high wildlife-vehicle collisions throughout this area, which are particularly concentrated in the meadow just north of Clear Creek High School around MP 247.5. Figure 4 illustrates the Project features in the East Section.

The East Section alignment and Project elements between MP 249 and MP 245, midway down Floyd Hill at approximately Johnson's Gulch, are unchanged from the EA Preferred Alternative. West of Johnson's Gulch, the I-70 alignment and US 6 interchange movements have been modified through design innovations described in the Central Section.

Figure 4. East Section Project Components



2.2 Central Section

The Central Section is the most complex portion of the Project. It was the focus of most of the CMGC innovations and will be the last section to be constructed. The physical setting of the Central Section, with the narrow canyon and proximity of existing I-70 to Clear Creek and the Clear Creek Greenway, coupled with the need to provide a frontage road connection through this section, presents numerous constructability and design challenges. Some of the difficulties include construction access and maintenance of traffic, long bridge spans, skewed bridge alignments, bridge pier placement, work in and around Clear Creek, and recreational use and access to the Greenway and creek.

Despite the challenges, the Central Section design will be transformative for highway users, local travel, recreation, and the Greenway and creek. Elevating and removing the highway from the Canyon floor restores and improves recreational and environmental conditions for people and wildlife, and highway users on the elevated I-70 lanes will experience scenic vistas of the Floyd Hill ridgeline as travelers enter the quiet, clustered, mountain communities and natural ecosystems of Clear Creek County. The CMGC Refined Preferred Alternative is sensitive to this context and maintains the benefits of the viaduct concept, while also improving constructability by reducing traveler disruption, improving construction safety, minimizing risks, and increasing cost efficiency. Figure 5 illustrates the features of the CMGC Refined Preferred Alternative and summarizes the changes from the EA Preferred Alternative. The refinements considered are described in detail in Appendix A. The CMGC Refined Preferred Alternative includes several important modifications to the EA Preferred Alternative through the Central Section:

- Shifts I-70 westbound alignment north to bottom of existing slope (closer to US 40 and Clear Creek) to improve construction access (Figure 6).
- Realigns eastbound and westbound elevated portions of I-70 over Clear Creek Canyon to separate alignments with a terraced hillside cut, rather than parallel viaducts with a larger hillside cut. Eastbound I-70 is still elevated but lower than the EA concept and returns to existing grade near US 6 (Figure 7).
- Relocates US 6 access to westbound I-70 to Hidden Valley/Central City Parkway interchange, which is a change from the EA Preferred Alternative, which provided the movement at the existing US 6 intersection. Also relocates eastbound US 6 access from eastbound I-70 to the Hidden Valley/Central City Parkway interchange, reconstructs the westbound I-70 to US 6 off-ramp, and constructs a new US 6 to eastbound I-70 ramp that connects to the new uphill eastbound auxiliary lane that terminates near the Hyland Hills/Floyd Hill eastbound off-ramp. The addition of the frontage road/extension of US 6, removal of the lefthand exits, and addition of the new eastbound I-70 on-ramp from the bottom of Floyd Hill all improve safety and traffic flow for the I-70/US 6 accesses.
- Realigns an approximately 1,600-foot section of Clear Creek south near the Hidden Valley/Central City Parkway interchange (instead of a similar creek realignment in West Section) (see Figure 16 in Chapter 4.0).

The innovations recommended in the Central Section reduce geotechnical hazards, better adapt to the geometry of the canyon, optimize viaduct alignment angles, reduce disruption to existing lanes, and increase overall constructability compared to the EA Preferred Alternative.

Figure 5. CMGC Refined Preferred Alternative Central Section Design Refinements

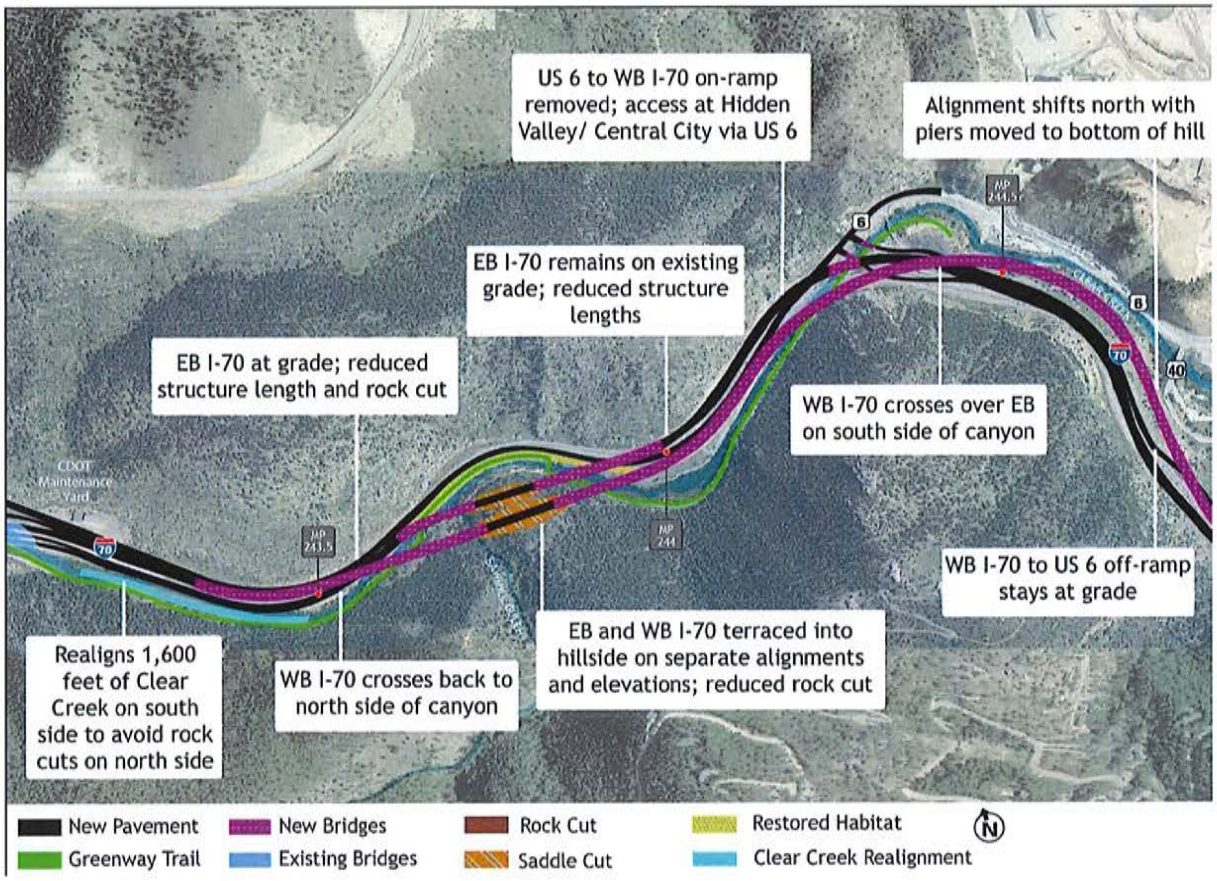
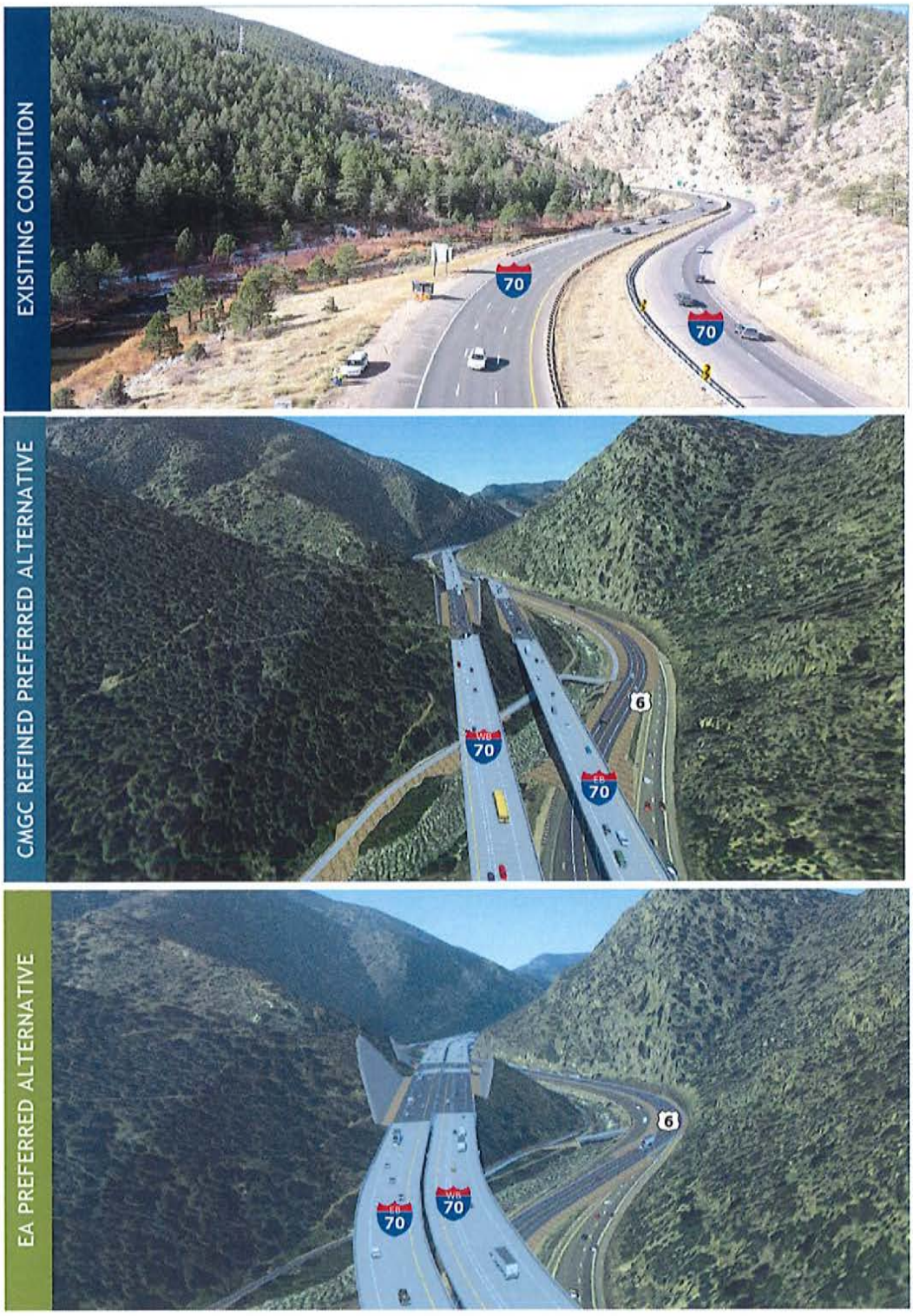


Figure 6. CMGC Refined Preferred Alternative, North Shift of Westbound I-70 from mid-way down Floyd Hill

Modeled simulation of Bottom of the Hill alignment shift, looking toward US 6 from mid-way down Floyd Hill

Figure 7. Comparison of Existing Conditions, the CMGC Refined Preferred Alternative, and the EA Preferred Alternative in the Sawmill Gulch area



2.3 West Section

Contractor innovations in the West Section, particularly related to rock excavation assumptions, significantly improved the design and constructability of this section and vastly reduced impacts of construction disruptions to local communities, recreationalists, emergency responders, and I-70 travelers. The EA Preferred Alternative design sought to minimize rock cuts while flattening the curves to improve design speed in this area. Rock cuts were included on both the north and south side of the canyon due to the constraints identified with flattening the curves.

The Construction Manager, in reviewing the EA Preferred Alternative, recommended concentrating rock cuts on the north side of the canyon, rather than balancing rock cuts on both sides of the canyon. This recommendation was based on their expertise and understanding of the rock structure in the area, concerns about the stability of rock cuts on the south side of the canyon, the desire to keep CR 314 open during construction, and avoiding impacts and costs of reconstructing recently constructed retaining walls and other infrastructure on CR 314. Additionally, the TT noted that shifting the I-70 alignment north opened a new area along the north bank of Clear Creek for riparian restoration and potential river access by grading steep embankments, as well as avoided the realignment of Clear Creek that would occur in this section under the EA Preferred Alternative.[3] Features of the West Section are illustrated in Figure 8, and simulations of the north rock cut and the riparian restoration areas are shown in Figure 9.

[3] As described in Section 2.4, the CMGC Refined Preferred Alternative requires realignment of a segment of Clear Creek in the Central Section.

Figure 8. CMGC Refined Preferred Alternative West Section Design Refinements

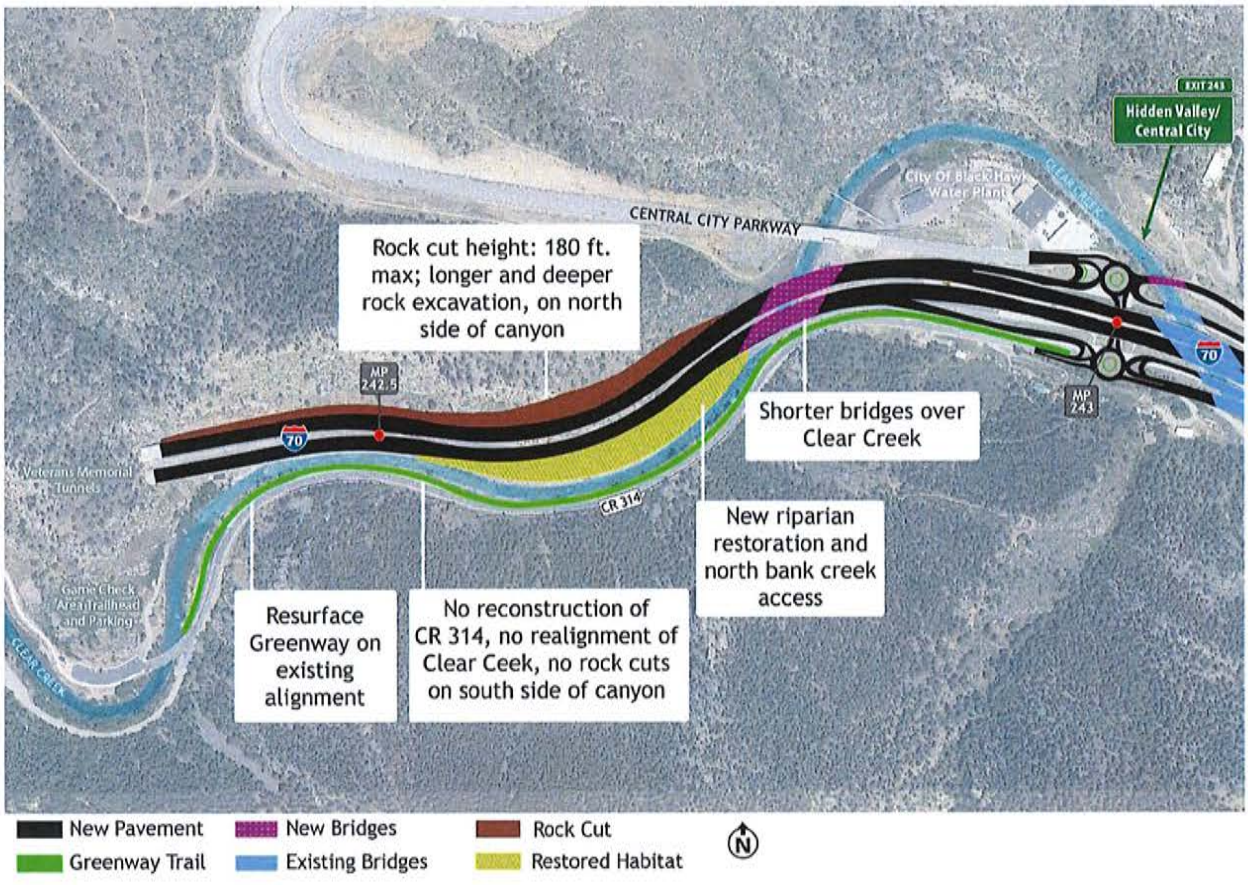
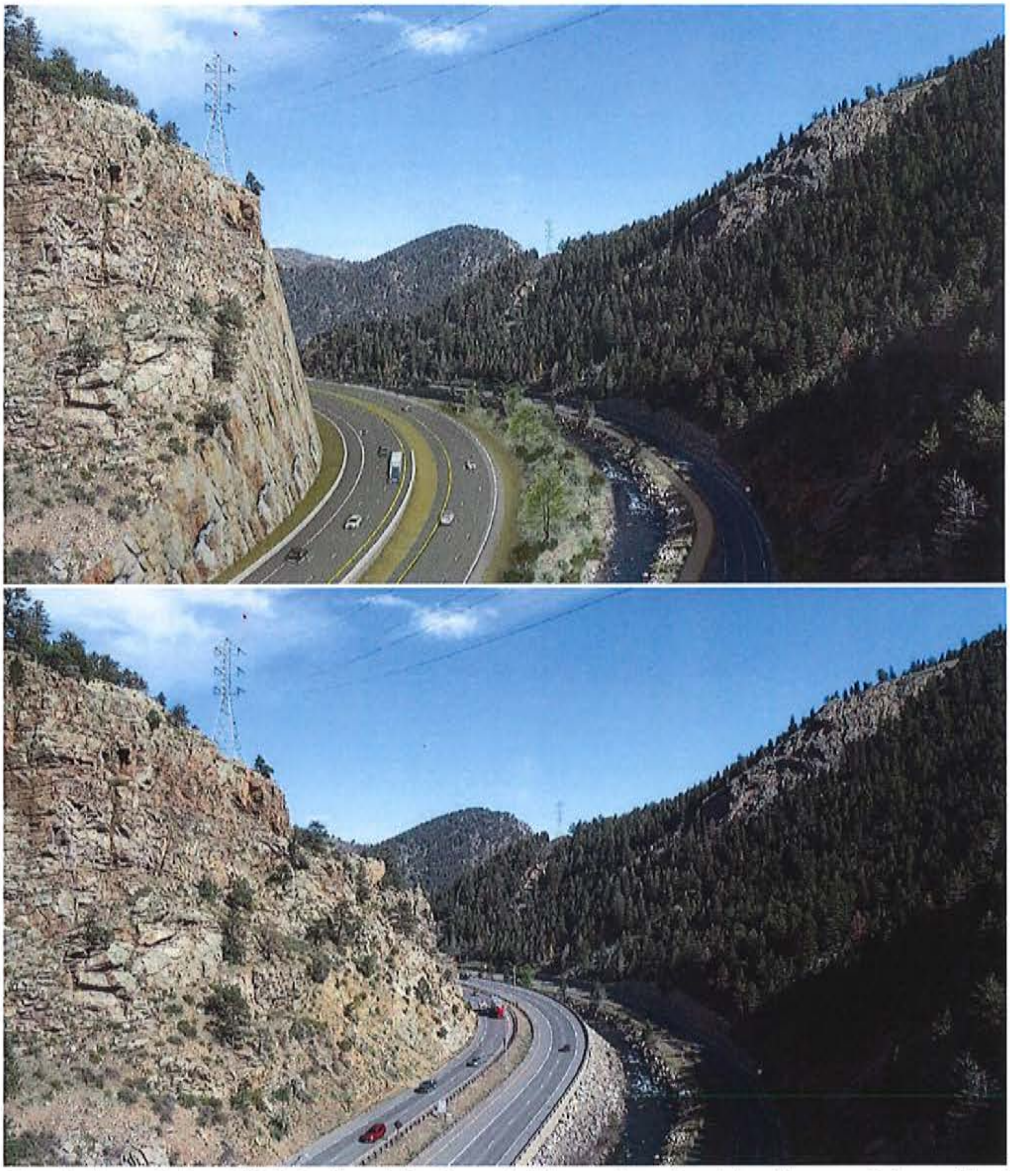


Figure 9. CMGC Refined Preferred Alternative Simulation



Simulation of the CMGC Refined Preferred Alternative (top) looking east from the Veterans Memorial Tunnels compared to the existing condition (bottom)

2.4 Frontage Road, Clear Creek Relocation, and Greenway Design

The CMGC Refined Preferred Alternative modifies the alignment of the frontage road and the location of the planned creek realignment, and advances the Greenway design. The refinements do not change the Project elements, impacts, or benefits described in the EA.

2.4.1.1 Frontage Road

The CMGC Refined Preferred Alternative provides a new frontage road connecting US 6 and CR 314 (at the Hidden Valley/Central City interchange) in the Central Section. In the West Section, the CMGC Refined Preferred Alternative shifts I-70 north into the rockface next to westbound I-70, which avoids

impacts to the existing CR 314 frontage road west of the Hidden Valley/Central City interchange on the north side of Clear Creek. Unlike the EA Preferred Alternative, the CMGC Refined Preferred Alternative does not require reconstruction of CR 314 through the Project area and allows the frontage road to remain open during construction.

2.4.1.2 Clear Creek Realignment

The CMGC Refined Preferred Alternative requires relocation of an approximately 1,600-foot section of Clear Creek and the Greenway near the intersection of CR 314 and Central City Parkway (south of the Hidden Valley/Central City interchange). It avoids the relocation of Clear Creek in the West Section of the Project required under the EA Preferred Alternative. The Project will design the creek realignment to maintain existing ecological and recreational functions on the relocated reach of the creek. This modification will require an Individual Permit under Section 404 of the Clean Water Act. The Project includes commitments for in-stream and riparian enhancements throughout the reaches of Clear Creek in the Project area. The U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), and the rest of the Stream and Wetland Ecological Enhancement Program (SWEEP) ITF have reviewed the creek realignment modification, proposed mitigation, and permitting approach and will continue to be involved as the design progresses. Section 4.17 describes the creek impacts in more detail, and Chapter 5 describes the mitigation.

2.4.1.3 Greenway

The elements and goals of the Clear Creek Greenway design are unchanged from the EA though more is now known about the opportunities and constraints. Once the roadway alignments were agreed upon, the TT began considering the Greenway design. Through a series of office meetings and site visits, the team inventoried existing features and identified areas of interest along the full stretch of the Greenway between the Veterans Memorial Tunnels and US 6 (approximately 2.5 miles). The Project is committed to integrating the Greenway design with creek improvements to expand and enhance recreational opportunities, wildlife and aquatic habitat, and water quality. The design will advance using the collaborative CSS process to balance priorities.

2.5 Future design and construction refinements

The TT will be involved throughout the design phase. The CMGC team has developed a schedule for design reviews and issue tracking, which will evolve as the Project progresses. It is anticipated that the TT will meet bi-weekly to monthly, on average, through the design phase in 2023 and into May 2024 as the design is refined. The TT is responsible for considering the core values, aesthetic guidelines, and CSS design criteria in the design. The TT will also track issues through design and construction and monitor the CSS considerations developed through the early planning and preliminary design phases of the Project development.

Some design elements of the CMGC Refined Preferred Alternative are less developed, such as the Greenway and creek design, or require more information to make decisions, such as geotechnical data that may affect rock cuts or structure design to inform pier placement. In these cases, CDOT will continue to review environmental impacts and mitigation requirements and conduct reevaluations of impacts as necessary.

3.0 Project Updates and Changes after the EA Release

The Project continued to advance and develop after the publication of the EA in August 2021.

3.1 Design and Construction Updates

As noted in Section 1.3, the Project is being advanced through a CMGC method of project delivery, and Design Engineering and Construction Manager services have been procured. Through the CMGC process, the design has been advanced, a design and construction schedule has been developed, and construction packages have been defined. The advanced design for the CMGC Refined Preferred Alternative is described in Chapter 2, changes to the design from the EA Preferred Alternative are summarized in Chapter 2 and described in detail in Appendix A, and the environmental impacts of the design refinements are evaluated in Chapter 4.

Construction packages have been developed for each of the Project sections, with work in the Central Section split between two packages with early work on the saddle cut beginning in Package 1. Construction is expected to begin in 2023 and be substantially complete in 2027, as shown in Figure 10.

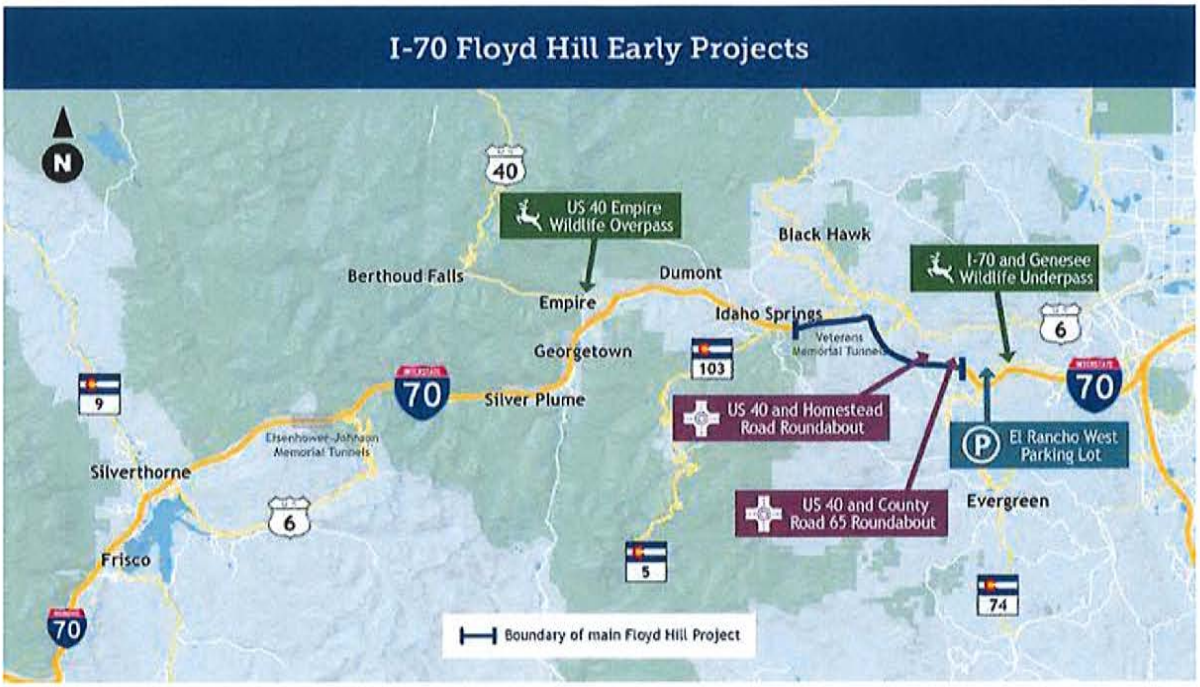
Figure 10. Roadmap of design and construction schedule

3.2 Early Projects

During the development of the EA, CDOT identified several Project elements that had independent utility and could be advanced for implementation ahead of other improvements, including US 40 intersection improvements at the Beaver Brook/Floyd Hill and Hyland Hills/Floyd Hill interchanges, wildlife crossings at Genesee and Empire, and a transit and electric vehicle charging parking area in Evergreen to support the Pegasus shuttle van transit service. These projects are collectively referred to as Early Projects (Figure 11). They are being designed and constructed through traditional design-bid-build delivery methods.

Since the EA, CDOT has completed design of the Genesee Wildlife Crossing Project, a contractor, Lawrence Construction, was awarded the project, and construction began in November 2022. CDOT also completed design of the US 40 Roundabouts Project, awarded construction to American Civil Constructors, and construction began in December 2022. Design of the Empire Wildlife Crossing has advanced and is expected to be advertised for construction in early 2023. The El Rancho Pegasus Parking Lot and Electric Vehicle Charging Project is being designed, and construction is expected to begin in mid-2023. All of the Early Projects are planned to be completed by mid to late 2024.

Figure 11. Location of Early Projects



CDOT completed separate Categorical Exclusions for the Early Projects, and they are separate from the EA and FONSI processes. While the Early Projects are not included in the FONSI Selected Alternative, they are important features or commitment of the overall Project and are included in CDOT's Project budget.

3.3 Changes to Regulations, Guidance, or Environmental Conditions

The following regulations or environmental conditions have changed after the EA was completed and are discussed as appropriate in Chapter 4:

- Senate Bill 21-260 (SB260), which was signed by Governor Polis June 17, 2021, included new environmental requirements in Section 30, which have been codified in the Colorado Revised Statute (CRS) 43-1-128. The CRS requires Regionally Significant Transportation Capacity projects to account for the impacts on statewide GHG pollution as part of the planning process and for the air quality impacts as part of the environmental study process. This Project has been designated as a Regionally Significant Transportation Capacity Project in CDOTs 10 Year Plan and is, therefore, subject to CRS requirements. The Project demonstrated compliance with the GHG Planning Standard through statewide GHG modeling conducted for the 10-Year Plan September 2022 update, which included the I-70 Floyd Hill Project. Additionally, CDOT committed to install air quality monitors and monitor air emissions before and during construction, as is now required by Part 4 of the CRS. Because the pollutants, duration, and number of monitors required may change, the CDOT Project Director and CDOT Construction Manager will coordinate closely with CDOT's Air Quality

team to ensure the monitoring meets the most current guidance. The mitigation commitments in Chapter 5 of this FONSI reflect the updated requirements.[4]

- In addition to the new air quality requirements, SB260 implements several new transportation fees and General Fund transfers and creates or modifies four state enterprises. It also created an Environmental Justice and Equity Branch in CDOT's engineering, design, and construction division to address technological, information, and language barriers of transportation projects in disproportionately impacted communities.
- Executive Order 14008 (2021) established the Justice40 initiative and directed the Council on Environmental Quality to create a Climate and Economic Justice Screening Tool.
- The US Fish and Wildlife Service has designated the monarch butterfly as a Candidate for listing as endangered or threatened under the Endangered Species Act (ESA).
- Wetlands and waters of the US were re-delineated in August of 2022 for the Central and West Sections of the Project to support the environmental reevaluation and future Section 404 permitting. The delineation indicated changes in existing conditions, with some wetlands no longer present and others decreasing or increasing in size. The 2022 delineation identified 33 wetlands and 5 other waters (Clear Creek, Johnson Gulch, Sawmill Gulch, an unnamed drainage, and a pond). The results of the wetland delineation are documented in the *I-70 Floyd Hill to Veterans Memorial Tunnels Wetlands and Aquatic Resources Delineation Report* (Appendix D).
- CDOT's MS4 permit expired in July 2020. The state has extended it from 2020 through an administrative extension; the renewal date is unknown but is expected to occur within the next couple of years.
- The Permanent Water Quality Section of CDOT's Drainage Design Manual was updated in June 2021.

3.4 Funding Updates

As noted in Section 3.9 of the EA, CDOT committed to fund the full Project construction but at the time of the EA release had not secured all the needed funds. Since the EA was released, CDOT identified the $700 million in funding to complete the Project, including $100 million from the federal INFRA (Nationally Significant Multimodal Freight and Highway Projects) Grant Program, which was announced in August 2022. In September 2022, the Transportation Commission approved the funding for Project as part of CDOT's updated 10 Year Plan budget.

The Denver Regional Council of Government's 2050 Metro Vision Regional Transportation Plan was also updated in September 2022; the Project is included in the fiscally constrained plan and reginal air quality conformity determination.

[4] Although requirements associated with CRS 43-1-128 were not in effect during the preparation of the EA, CDOT did include a quantitative analysis of GHG air emissions from on road vehicle tailpipe emission sources (e.g., passenger vehicles, heavy duty trucks) for existing conditions and future conditions for the Project. This analysis is documented in the *State Air Quality Technical Report*, July 2021, which is an appendix to the EA and was updated in an addendum to reflect CRS-43-1-128 interim guidance.

4.0 Environmental Reevaluation

The CMGC innovations described in Chapter 2 and detailed in Appendix A have resulted in changes to the Project design from the EA Preferred Alternative. This chapter includes an environmental reevaluation of the CMGC Refined Preferred Alternative to assess the effect of these changes on the environmental resources in the Project area. CDOT most often reevaluates its environmental findings when a project is proceeding to the next major approval or action (e.g., the purchase of right-of-way) or there have been changes to the design, regulations, or environmental conditions that may affect the project or have a bearing on its impact (categorized by CDOT as a Level 3 reevaluation).

CDOT determined that a Level 3 environmental reevaluation was warranted in this case based on the changes to the design from the CMGC process. Further, CDOT determined that updating the environmental impacts and mitigation of the CMGC Refined Preferred Alternative was needed to confirm that a FONSI is appropriate and ensure that all necessary mitigation measures have been considered and included in the Project.

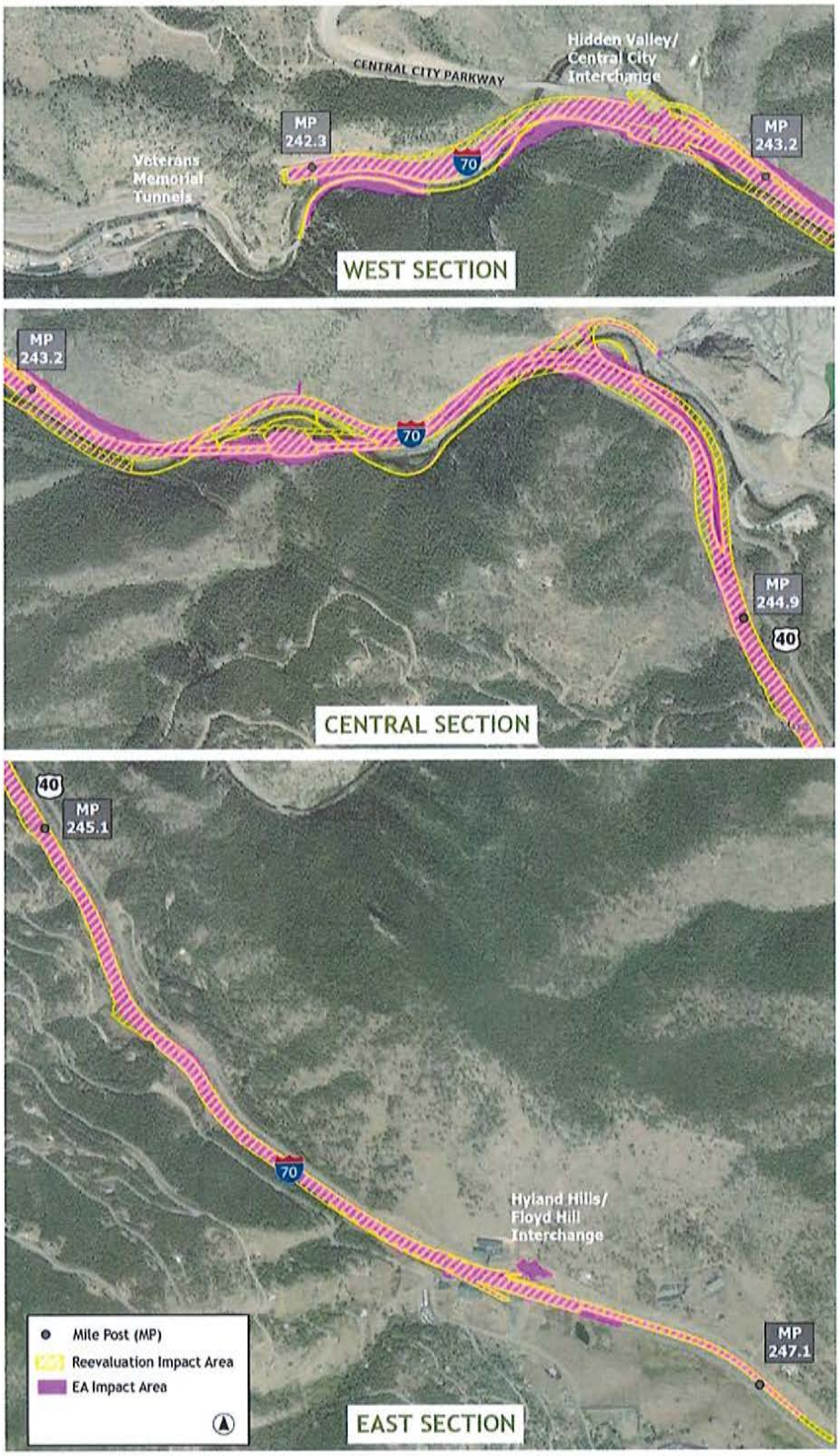
4.1 Methodology and Approach

The environmental reevaluation relies on the analysis presented in the EA and supporting technical memoranda, and comparison of the designs and footprints of the CMGC Refined Preferred Alternative and EA Preferred Alternative. The purpose of the reevaluation is to evaluate whether the design modifications included in the CMGC Refined Preferred Alternative affect environmental resources differently from what is presented in the EA. The approach to the reevaluation is as follows:

- Identify which resources need to be reevaluated. Resources are not reevaluated if they are not present in the Project area or if no impacts were identified in the EA and no new impacts are anticipated (refer to Section 4.2 for additional information).
- Evaluate each resource for changes in regulatory or environmental conditions. With few exceptions that are documented in Section 4.2, the context, or affected environment, for each resource was the same as what was presented in the EA and is, therefore, not documented again in this reevaluation.
- Establish an impact area for the CMGC Refined Preferred Alternative based on anticipated limits of disturbance and evaluate impacts.
  - For resources where impacts can be quantified, impacts are calculated by overlaying the impact area with the resource using geographic information systems (GIS); impacts are confirmed through coordination with the CMGC.
  - For resources where impacts are not quantifiable, impacts are evaluated using design files, 3D renderings, and coordination with resource specialists; information gathered from site visits with ITFs and CSS meetings is also considered.
- Compare impacts of the CMGC Revised Preferred Alternative to the EA Preferred Alternative. For any change in impacts, mitigation is evaluated to determine whether changes to mitigation measures are needed; where the CMGC Revised Preferred Alternative avoids impacts, mitigation measures have been removed.

The reevaluation follows the same approach to impact analysis that was used in the EA to allow for meaningful comparisons. As shown in Figure 12, because the CMGC Refined Preferred Alternative is derived from the EA Preferred Alternative and contains the same project components, the impact footprints are very similar, and the types of impacts expected are also similar. In most cases design innovations developed through the CMGC process have minimized the intensity of impacts from what was reported in the EA. However, in some cases, impacts occur in different locations or may appear greater due to a more refined understanding of environmental conditions, such as new wetland delineations, or because as the design has progressed and more is now known about specific Project elements, such as placement of bridge piers.

Figure 12. Comparison of EA and Reevaluation Impact Footprints



4.2 Environmental Resources not Reevaluated

The following resources are not discussed further in this document because either they are not present in the Project area or were documented in the EA to have no impacts, and design modifications would not result in any new impacts:

- **Environmental Justice:** The EA evaluated the presence of and potential for impacts to minority and low-income populations, as well as needs related to persons with Limited English Proficiency (LEP). The analysis did not identify disproportionately high and adverse effects on these populations, and mitigation measures were not required or recommended. The complete analysis can be found in the *I-70 Floyd Hill to Veterans Memorial Tunnels Environmental Justice Technical Report*, which is an Appendix to the EA. Although new Federal and State regulations related to Environmental Justice have been released in recent years, the methodology and conclusions from the EA remain valid.

  Except for recommended noise abatement (a noise wall), which will be constructed if affected residents determine it to be desirable, the Project does not involve construction in Idaho Springs, which is the only location where higher than average minority and low-income populations are present. The EA identified temporary construction related impacts as well as benefits associated with traffic noise abatement, safety improvements, and more reliable travel times. Equity considerations related to tolling were evaluated for the action alternatives and were found not create a meaningful financial burden for lower-income residents or commuters.

  The design modifications do not change the context or intensity of the effects identified in the EA, and the CMGC Refined Preferred Alternative would not result in disproportionately high and adverse effects to minority or low-income populations. Therefore, reevaluation of Environmental Justice is not required.

- **Farmlands:** Farmlands are not present in the Project area.

- **Paleontological Resources:** Paleontological resources are not present in the Project area.

- **Section 6(f):** No properties developed with funds from the Land and Water Conservation Fund are present in the Project area.

- **Cumulative Impacts:** Cumulative impact analysis focuses on a broad area, assessing how environmental resources of concern will be affected by the overall action when combined with other past, current, planned, and future actions or stressors. Other than the advancement of Early Projects described in Chapter 3, there have been no changes to land development activities within the Project area. Project elements remain the same and design modifications do not change the cumulative impacts analysis presented in the EA.

4.3 Environmental Resources Under Reevaluation

Resources with the potential for new or changed impacts from what was disclosed in the EA are presented in Table 1. Sections 4.4 through 4.19 detail the CMGC Refined Preferred Alternative impacts to these resources, compare impacts to the EA Preferred Alternative, and, if applicable, explain why they differ.

Table 1. Environmental Reevaluation Summary

Resource	Change in Affected Environment or Setting		Change in Environmental Impact	
	Yes	No	Yes	No
Air Quality		X		X
Cultural Resources		X	X	
Floodplains		X	X	
Geologic Resources		X	X	
Hazardous Materials		X		X
Land Use		X		X
Right-of-Way		X	X	
Noise		X		X
Recreational Resources		X	X	
Section 4(f)		X		X
Socioeconomic Resources		X	X	
Threatened and Endangered Species	X			X
Vegetation and Noxious Weeds		X	X	
Visual Resources		X	X	
Water Quality		X	X	
Wetlands and Aquatic Resources	X		X	
Wildlife and Aquatic Species		X	X	

4.4 Air Quality

4.4.1 What are the Impacts of the CMGC Refined Preferred Alternative?

During the EA, CDOT coordinated with the Colorado Department of Health and Environment (CDPHE) Air Pollution Control Division (APCD) and concluded that the Project would not affect regional or localized pollutants regulated by National Ambient Air Quality Standards. The design modifications for the CMGC Refined Preferred Alternative do not change this conclusion. The CMGC Refined Preferred Alternative would decrease congestion, improve speeds on I-70, improve level of service (LOS) at interchanges, and provide a multimodal, non-vehicular travel option through the Project area with the Greenway bike and pedestrian trail. The operation of the new travel lane as an Express Lane is also expected to improve traffic flow and air quality. Improvements in vehicle engines and fuels are expected to reduce criteria pollutants regionally. Additionally, to support statewide air quality goals, CDOT committed to install two permanent air quality monitors in the Floyd Hill and Idaho Springs areas to gather data and monitor local air quality to supplement other regional air quality data. This commitment continues with the CMGC Refined Preferred Alternative.

Due to the increased concern over GHG emissions and climate change, CDOT conducted quantitative analyses on GHG, mobile source toxics, and criteria pollutant emissions from onroad vehicle tailpipe emission sources (e.g., passenger vehicles, heavy duty trucks) for existing conditions and future conditions as a result of the Project, in addition to analyses that were required by State and Federal law and guidance in place at the time the EA analysis was completed. Additionally, CDOT conducted a qualitative assessment of construction (nonroad mobile) emissions.

The analysis shows reductions in emissions of criteria pollutants, mobile source air toxics, and GHGs in the Project area for conditions between 2018 and 2045. The reduction is attributed to older vehicles being taken off the road, more fuel-efficient vehicles entering the fleet, fewer vehicle miles traveled with reduced diversion from I-70 to frontage roads or less direct routes, and less congestion in some portions of the Project area, particularly areas that are currently heavily congested.

The CMGC Refined Preferred Alternative, like the EA Preferred Alternative, would result in temporary, intermittent increases in air emissions during construction related to reduced speeds through the Project area, rock blasting and excavation, and general construction activities, such as an increase of workers driving to the Project area and use and staging of diesel-emitting construction equipment. Impacts are expected to be minor. However, CDOT will conduct real-time monitoring of dust emissions to confirm and take appropriate action if air quality is diminished.

The Construction Manager has committed to specific measures to reduce GHG and pollutant emissions during construction. These additional measures, which are consistent with new requirements of CRS 43-1-128 (see Section 3.3), are described in Chapter 5.

4.4.2 How do the Impacts Compare to the EA Preferred Alternative?

The Project continues to involve all major elements and same types of construction activities and duration—a third westbound travel lane on I-70 (that will operate as an Express Lane), a new frontage road connection, a new US 6 on-ramp to eastbound I-70, improving interchanges and intersections, and elevated structures—in the same general location. In addition, future traffic volumes remain the same. Therefore, changes to the design do not result in any changes to the impacts reported in the EA.

Under the CMGC Refined Preferred Alternative, the US 6 accesses to westbound I-70 and eastbound I-70 to US 6 would be consolidated at the Hidden Valley/Central City interchange and removed from the I-70/US 6 interchange; the EA Preferred Alternative also consolidated eastbound I-70 to eastbound US 6 and Hidden Valley/Central City but maintained the westbound US 6 to westbound I-70 at US 6. Traffic analysis is ongoing but suggests that the design of the frontage road and Hidden Valley/Central City ramps and intersections with the relocated movements from US 6 will operate well. However, if modifications to these elements are indicated, impacts would be reevaluated, including effects on air quality, to determine if new mitigation measures would be required.

4.4.3 Are New Mitigation Commitments Required?

The following mitigation commitments have been revised or added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B, based on the requirements of CRS 43-1-128:

- Implement phased construction to bring disturbed areas to substantial completion, allowing for timely permanent stabilization, longer vegetation establishment periods, and a reduction of fugitive dust and potential water quality impacts. (FONSI Mitigation Commitment #4)
- Encourage construction workers to carpool to the Project site and consider implementing a carpooling program. (FONSI Mitigation Commitment #10)
- Use an existing gravel pit at the Project site to process excess rock cut material, reducing haul distance by 75 percent. (FONSI Mitigation Commitment #11)

- Monitor air quality monitoring before and during construction in compliance with CRS 43-1-128. The interim guidance indicates pre-construction monitoring will need to be conducted for a minimum of two weeks for a variety of pollutants that is likely to include CO, NO_2, PM_{10}, $PM_{2.5}$, and ozone in addition to meteorological data. For the duration of construction, PM_{10} and $PM_{2.5}$ in addition to the meteorological data will be required. Since this guidance has not been finalized and the pollutants, duration, and number of monitors required may change, CDOT Air Quality Specialists will coordinate monitoring requirements with the CDOT Project Manager and CDOT Construction Manager to ensure the most current SB 260 guidance is incorporated. (FONSI Mitigation Commitment #12)
- Modifications to the Hidden Valley/Central City interchange, if required, will be reevaluated for environmental impacts and the need for mitigation will be considered. (FONSI Mitigation Commitment #13)

Mitigation commitments #1-3 and 5-9, initially identified in the EA, address air quality impacts during construction and have been carried forward in the mitigation tracking spreadsheet included in Appendix B.

4.5 Cultural Resources

4.5.1 What are the Impacts of the CMGC Refined Preferred Alternative?

Initial Section 106 consultation for eligibility and effects for historic built environment resources took place between May 2019 and September 2020 and for archaeological sites in December 2019 and January 2020. CDOT evaluated effects of the Project on historic and archaeological resources according to the requirements of Section 106 of the National Historic Preservation Act and the I-70 Mountain Corridor Section 106 Programmatic Agreement (PA). The following properties in the Area of Potential Effects (APE) for the Project were determined eligible for or treated as eligible for the National Register of Historic Places (NRHP):

The Colorado Central Railroad, shown here in 1890, was crucial to the development of Idaho Springs. While little physical evidence of the railroad remains in the Project area, extant remnants are important for interpreting local history.

Denver Public Library Archives, 1890

- One NRHP-eligible historic residential property (5JF.7445) along US 40 in the eastern portion of the APE.
- Two mountain subdivisions in the Floyd Hill area of the APE—Hyland Hills (5CC.2546) and Saddleback Ridge Estates (5CC.2547) treated as NRHP-eligible historic districts because not enough contextual data are available related to the construction of mountain subdivisions either regionally or nationally to evaluate their historic significance under NRHP criteria.
- Segments of NRHP-eligible linear resources traverse the APE: US Highway 6 (5CC.1184), US 6/US 40 Highway (5CC.2002), and the Colorado Central Railroad (5CC.427). These resources are eligible for the NRHP overall based on their association with important transportation history (Criterion A), but none of the segments within the APE retain sufficient integrity to convey the historic significance of

the overall resource. Therefore, changes to these segments would not adversely affect the overall resource.

- One NRHP-eligible archaeological site (5CC.389) is located within the APE. Its location is not disclosed to protect this resource from non-project related disturbance.

The CMGC Refined Preferred Alternative would encroach on a portion of the NRHP-eligible archaeological site in the Project area. Avoidance and protection of the site will be prioritized during final design. Unavoidable impacts to the site will be documented, and a treatment plan will be developed in consultation with SHPO and Tribes signatory to the PA to recover archaeological data from any impacted areas prior to construction. Portions of the site that can be avoided will be left in place and protected during construction.

The CMGC Refined Preferred Alternative would also affect a portion of the non-supporting segment of the historic railroad bed and associated retaining wall remnants of the former Colorado Central Railroad (5CC.427). East of the Hidden Valley/Central City interchange, the CMGC Refined Preferred Alternative would realign a portion of Clear Creek and the Greenway trail approximately 75 feet to the south of its existing location, which follows the historic railroad alignment and includes remnants of railroad retaining walls. The Colorado Central Railroad (5CC.427) is historically significant, but the segment through the Project area was determined to be non-supporting to the overall resource eligibility in consultation with SHPO. This segment is, however, important to Clear Creek County's local interpretation of its history. This realignment will likely affect the railroad and retaining walls, and impacts will continue to be considered through final design of the Greenway and creek restoration. Although effects to the walls are not adverse effects that require resolution under Section 106, CDOT will consider and include mitigation measures that could preserve or relocate the walls and/or assist with interpretive displays or materials to aid in local interpretation of the railroad history by the County.

Remnants of the Colorado Central Railroad retaining walls have local importance but are not supporting of the overall NRHP-eligible railroad property.

Kraemer North America, 2022

During construction, access to historic sites and tourism in Idaho Springs could be disrupted. Access to historic sites and districts would be maintained as with other potentially affected community sites.

4.5.2 How do the Impacts Compare to the EA Preferred Alternative?

No adverse effects to historic properties were identified for the EA Preferred Alternative. The EA Preferred Alternative avoided impacts to both the railroad retaining walls associated with 5CC.427 and the NRHP-eligible archaeological site. Because of the realignment of Clear Creek east of the Hidden Valley/Central City interchange, the CMGC Refined Preferred Alternative is now expected to impact the railroad retaining walls, which are non-supporting to the overall resource NRHP eligibility but area important locally. Additionally, complete avoidance of the NRHP-eligible archaeological site is also no longer possible as the design modifications bring the highway closer to this site.

4.5.3 Are New Mitigation Commitments Required?

The following mitigation commitments have been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- Although there is not an adverse effect under Section 106, CDOT will coordinate with Clear Creek County to identify mitigation for impacts to the remnants of the railroad retaining walls associated with 5CC.427. (FONSI Mitigation Commitment #14)
- CDOT will consult with SHPO to document effects to the NRHP-eligible archaeological site, and CDOT will develop and implement a treatment plan and prepare a supplement to the PA in consultation with the SHPO and Tribes signatory to the PA. All agreed-upon treatment outlined in the PA supplement will be completed prior to any activity affecting the site. (FONSI Mitigation Commitment #15)
- The mitigation commitment that addresses the potential for disturbance to the NRHP-eligible archaeological site (EA mitigation commitment #9) has been removed because avoidance of the site is not possible.

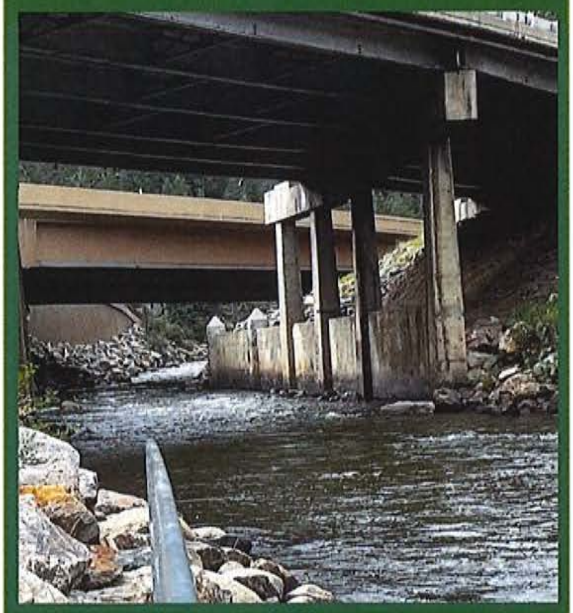
FONSI mitigation commitments #16-18, initially identified in the EA, include measures to protect cultural resources and have been carried forward in the mitigation tracking spreadsheet included in Appendix B.

4.6 Floodplains

4.6.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would realign approximately 1,600 linear feet of Clear Creek to the south, east of the Hidden Valley/Central City interchange, which would be needed to accommodate westbound I-70 where it would touch back down to ground level. To accommodate this landing, the realignment would shift the centerline of the creek and boundary of the floodplain in this location; however, the design is expected to maintain the same floodplain and channel topography (elevation) as the existing condition and is not expected to change floodplain width, conditions, or flows. The Project has committed to no greater than a 0.5-foot rise in the floodplain elevation, and this requirement has been incorporated as a design standard to avoid the need for a Conditional Letter of Map Revision (CLOMR).

Existing piers on bridges over Clear Creek will be removed, and new piers may be constructed within the Clear Creek floodplain.



Peak Consulting Group, 2022

The CMGC Refined Preferred Alternative includes ten bridges with the potential to affect the Clear Creek floodplain. Although bridges are expected to span Clear Creek, piers may need to be placed within the floodplain in some locations. The exact locations of bridge piers are still being evaluated and will be determined during final design. Floodplain encroachments could occur in locations where Clear Creek or the roadway alignment may be shifted or modified. However, the Project design criteria requires that any changes to floodplains not result in more than a 0.5-foot rise in the base flood elevation (BFE). Project elements that have the potential to encroach upon the Clear Creek floodplain are subject to Federal Emergency Management Agency policy and regulations. In cases where the BFE is increased, modification to the regulatory floodplain mapping is required through a CLOMR, followed by a Letter of Map Revision (LOMR). Early coordination with Clear Creek County and Idaho Springs, the floodplain administrators for the Project with the authority to grant the floodplain development permit, has determined that a CLOMR will not be required if the Project does not result in more than 0.5-foot rise in BFE. Hydraulic modeling will be required to accurately determine the effects of the new construction on the existing regulatory BFE and confirm adherence to the 0.5-foot rise criterion. The revised floodplain boundaries will be documented in a LOMR.

4.6.2 How do the Impacts Compare to the EA Preferred Alternative?

The CMGC Refined Preferred Alternative shifts I-70 to the north near the east portal of the Veterans Memorial Tunnels. As a result of this change, the 1,400-foot realignment of Clear Creek proposed in the EA Preferred Alternative is no longer needed in the West Section. However, the CMGC Revised Preferred Alternative would require an approximately 1,600 feet of Clear Creek to be realigned the Central Section east of the Hidden Valley/Central City interchange. A graphic comparison of the relocation areas of Clear Creek for the EA Preferred Alternative and the CMGC Refined Preferred Alternative is provided in Figure 16, page 51.

Based on the preliminary design for the EA Preferred Alternative, the EA identified eight bridges with the potential to affect the Clear Creek floodplain, two fewer than the CMGC Refined Preferred Alternative, although two pedestrian bridges in the Central Section where the Greenway trail is shifted north for Americans with Disability Act (ADA) compliance had not yet been designed and were not included in the total reported in the EA. Bridges were expected to span the floodplain (with no piers in the floodplain) but the structure design was highly conceptual. As structure design has progressed, more constraints have been realized. While no piers are expected in Clear Creek, piers may need to be placed within its floodplain. These changes in impacts, although different than what was reported for the EA Preferred Alternative, are a result of the advancement of design and having more detailed information than what was available during the development of the EA.

4.6.3 Are New Mitigation Commitments Required?

FONSI mitigation commitment #19, initially identified in the EA, has been revised to reflect the 0.5-foot rise limit established for Project and the hydraulic modeling that will be required to confirm that the Project will remain within the 0.5-foot rise in BFE requirement. No additional mitigation is needed.

4.7 Geologic Resources

4.7.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would require a total of 522,000 cubic yards (CY) of rock excavation, including 106,000 CY in the Central Section and 416,000 CY in the West Section. Through the Central Section, most of the rock excavation would be on the south side of Clear Creek Canyon for the bench cut over Sawmill Gulch and would include cuts up to 90 feet high on the south side of the bench. Slope stabilization would be required on the north side of the bench, but rock excavation would not be required. Rock cuts, up to 62 feet high, also would be required in the Central Section along the rock faces on the north side of I-70 to flatten the I-70 horizontal curve near the CDOT maintenance facility, east of the Hidden Valley/Central City interchange. The highest rock cuts for the CMGC Refined Preferred Alternative—up to 200 feet high—would occur in the West Section of the Project to flatten the I-70 S-curve between the Hidden Valley/Central City interchange and the Veterans Memorial Tunnels. These cuts would occur exclusively on the north side of the canyon and would excavate farther into existing rock cuts. No rock excavation would be required on the south side of the canyon along CR 314.

Rock excavations and rock cuts in the I-70 Mountain Corridor need to be carefully designed, and rockfall mitigation measures need to be included to avoid long-term maintenance and safety issues. The design and review of rock cuts are being coordinated with the CMGC to minimize potential hazards. Construction activities would include blasting into the mountainside north of I-70. Blasting activities always involve some level of safety risk, and failures during construction could result in rockfall that causes road closures and maintenance. Excavated materials would be hauled offsite and disposed of outside the Project area.

Existing Rock Cut North of Westbound I-70, East of Veterans Memorial Tunnels

Peak Consulting Group, 2020

4.7.2 How do the Impacts Compare to the EA Preferred Alternative?

As presented in Table 2, the total volume of rock excavation required for the CMGC Refined Preferred Alternative is nearly the same as what was anticipated for the EA Preferred Alternative (522,000 CY for the CMGC Refined Preferred Alternative as compared to 520,000 CY for the EA Preferred Alternative). However, the locations now differ and under the CMGC Refined Preferred Alternative are concentrated into fewer locations, with the greatest excavation occurring north of I-70 in the West Section (an additional 176,000 CY). The CMGC Refined Preferred Alternative required no excavation on the south side of I-70 in the West Section, no rock cut on the north side of the highway in the Central Section,

and less overall excavation through the saddle cut/bench in the Central Section (a reduction of 174,000 CY). Figure 13 and Table 2 illustrate the differences in rock cut areas between the CMGC Refined Preferred Alternative and the EA Preferred Alternative.

Figure 13. Comparison of Rock Cut Locations and Areas for the EA Preferred Alternative and the CMGC Refined Preferred Alternative

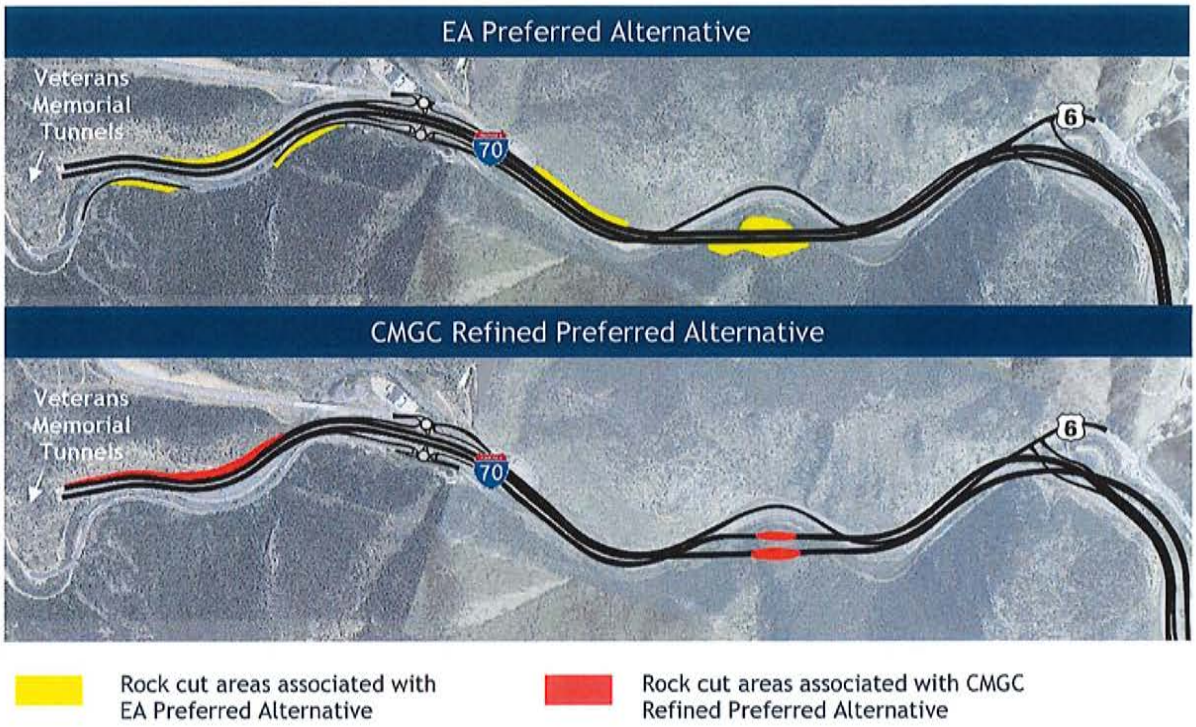


Table 2. Rock Excavation: EA Preferred Alternative and CMGC Refined Preferred Alternative

Location	EA Preferred Alternative Rock Excavation (CY)	CMGC Refined Preferred Alternative Rock Excavation (CY)
East Section	-------	-------
Central Section	280,000	106,000
West Section	240,000	416,000
Total	**520,000**	**522,000**

In the West Section of the Project, the EA Preferred Alternative was designed to balance rock cuts on both sides of I-70. However, the CMGC reviewed the alignment and available geotechnical information and determined that creating rock cuts on both sides of I-70 did not balance risks but rather compounded them by creating new rock cut areas that would need to managed and maintained. Additionally, the rock cuts because balanced alignment required substantial rock cuts (up to 100 feet high) were needed on the south side of the canyon and would require CR 314 and Clear Creek to be realigned in this area, necessitating closures of both the creek and the frontage road during construction. Figure 13 illustrates the differences in rock excavation areas and the I-70 and Clear Creek alignments in the West Section.

4.7.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #20-21, initially identified in the EA, address rock excavation during construction and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. The spreadsheet has been revised to remove CR 314 as a location that triggers mitigation, since the CMGC Refined Preferred Alternative no longer requires rock blasting in this area. No additional mitigation is needed.

4.8 Hazardous Materials

4.8.1 What are the Impacts of the CMGC Refined Preferred Alternative?

Two hazardous materials facilities that present a high risk for encountering hazardous materials during construction were identified near the bottom of Floyd Hill where the westbound I-70 bridge would be replaced: the Roscoe Placer. These include a suspected placer mine of moderate hazardous materials risk and Kermitts Roadhouse (now Two Bears Tap and Grill), a suspected historical gas station and location of a suspected historical placer mine. Because there would be a high degree of ground disturbance associated with the bridge replacement, and the presumed presence of hazardous materials at these nearby facilities, a moderate to high risk exists that hazardous materials would be encountered during the work to replace the westbound I-70 bridge at the bottom of Floyd Hill. It also is possible that hazardous materials, including asbestos and/or lead-based paint, are present on the existing bridge, which would be disturbed during demolition.

Transport of hazardous materials on the I-70 Mountain Corridor increases the potential for spills, which could contaminate surrounding soils and waters.

Peak Consulting Group, 2018

The CMGC Refined Preferred Alternative could also encounter hazardous materials sites that present a moderate to high risk of encountering hazardous materials in the soil and groundwater in the vicinity of the Hidden Valley/Central City interchange. Construction in these locations would result in. New bridge construction, which would occur in several locations, would likely result in disturbance of alluvial groundwater that may be impacted by regional historical mining activities. It also is possible that hazardous materials, including asbestos and/or lead-based paint, are present on bridges that would be reconstructed. Hazardous materials also may be present in the buildings and storage areas at the CDOT Maintenance Facility near Hidden Valley, which will be affected by the Project. The Maintenance Facility may be redeveloped on site or relocated, but in either case, CDOT will need to complete appropriate environmental clearances, permitting, and remediation associated with impacts to the facility.

Trucks carrying hazardous materials through the Project area would present ongoing risks, but the level of risk would be reduced compared to the No Action Alternative because the Project would address existing roadway deficiencies.

4.8.2 How do the Impacts Compare to the EA Preferred Alternative?

The potential for the Project to encounter hazardous materials is unchanged by the design modifications included in the CMGC Refined Preferred Alternative. The overall disturbance area, Project elements, and types of construction activities are the same as what was evaluated in the EA, and no new impacts are anticipated.

4.8.3 Are New Mitigation Commitments Required?

The following mitigation commitment has been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- Consult with CDOT Property Management prior to the development of the Health and Safety Plan and Materials Management Plan to determine if they have knowledge of highway spills in the project area or hazardous material impacts at the CDOT Maintenance Facility. (FONSI Mitigation Commitment #32)

Mitigation regarding the purchase of real estate (FONSI Mitigation Commitment #31), initially identified in the EA, has been revised to add consultation with CDOT Property Management to confirm whether prior hazardous materials surveys may have been completed for the property. FONSI mitigation commitments #22-30 and 33, initially identified in the EA, address the potential to encounter hazardous materials during construction and have been carried forward in the mitigation tracking spreadsheet included in Appendix B.

4.9 Land Use/Right-of-Way

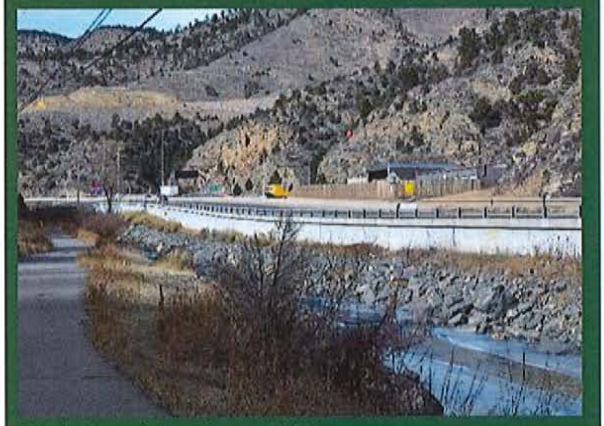
4.9.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative is not expected to change land uses or land use patterns. However, transportation improvements included in the Project will support local land use planning goals and objectives by improving neighborhood, commercial, and recreational accesses, and improving traffic flow to reduce interstate traffic diversion on local and frontage roads in the Floyd Hill and Idaho Springs areas. The new frontage road connection between US 6 and Hidden Valley provides an important alternate route for accessing existing communities and for emergency response and interstate detours during closures of I-70.

The CMGC Refined Preferred Alternative would require acquisition of approximately 22.8 acres of public property and a minor amount of private property (0.1 acre). In September 2022, CDOT initiated the early acquisition of these properties and evaluated impacts through a separate environmental clearance (Categorical Exclusion).

One CDOT property—the maintenance facility in the northeast quadrant of the Central City/Hidden Valley interchange—is within the impact area for the CMGC Refined Preferred Alternative and will be affected by the Project. CDOT is evaluating options to maintain operations at this location with

CDOT's Maintenance Facility property is affected and will need to be relocated or redeveloped.



Peak Consulting Group, 2018

some modification or expansion or to relocate the facility. Relocation or redesign/reconfiguration of the maintenance facility on this parcel will be evaluated through final design of the Project. CDOT will evaluate impacts of either action (relocation or redevelopment) and complete appropriate environmental clearances and permitting.

Additionally, the CMGC Refined Preferred Alternative will likely impact two water wells, one owned by Clear Creek County and one owned by CDOT. The wells are located near the Greenway south of I-70 and Clear Creek just east of I-70 MP 243, where Clear Creek would be realigned to the south. Relocation of these wells if determined necessary during final design will be reevaluated, and CDOT will complete appropriate environmental clearances and permitting.

4.9.2 How do the Impacts Compare to the EA Preferred Alternative?

The CMGC Refined Preferred Alternative requires 1.1 acre less right-of-way than the EA Preferred Alternative. (The EA Preferred Alternative was expected to impact 22.4 acres of public property and 1.6 acres of private property.) This difference is largely due to the narrowing of highway infrastructure in the Central Section of the Project and the northward shift of the highway in the West Section, which no longer requires any improvements or property acquisitions to the south.

Design refinements have moved I-70 farther south near the CDOT maintenance facility and would impact less of the property though the property is still affected, and relocation or redevelopment will be required. The potential relocation of the two water wells is a new impact that results from shift south in this same area.

4.9.3 Are New Mitigation Commitments Required?

The following mitigation commitments have been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- CDOT will evaluate impacts for the redevelopment or relocation of the CDOT Maintenance Facility property and complete appropriate environmental clearances and/or permitting. (FONSI Mitigation Commitment #55)
- If during final design it is determined that the two water wells cannot be avoided, CDOT will evaluate the impacts of their relocation and complete appropriate environmental clearance(s). (FONSI Mitigation Commitment #56)

FONSI mitigation commitment #57, initially identified in the EA, addresses the acquisition of public and private land and has been carried forward in the mitigation tracking spreadsheet included in Appendix B. Although early property acquisition has been processed through a separate clearance, it remains an environmental commitment should additional right-of-way needs be identified during final design.

4.10 Noise

4.10.1 What are the Impacts of the CMGC Refined Preferred Alternative?

Traffic modeling suggests that the traffic noise levels with or without the Project would range from 57 A-weighted decibels (dBA) to 78 dBA in 2045 and are above noise abatement criteria for two-thirds of noise-sensitive receptors. Noise levels under the CMGC Refined Preferred Alternative would equal or exceed noise abatement criteria for 105 receptors, primarily residences. No receptors would experience a substantial noise increase of 10 dBA or more.

The CMGC Refined Preferred Alternative includes noise abatement (a noise wall) in eastern Idaho Springs. The wall is expected to be approximately 875 feet long and between 14 and 16 feet high 36 (Figure 14). The recommended wall would provide at least a 5 dBA reduction in noise for 28 affected receptors and will be included as part of the CMGC Refined Preferred Alternative if a majority of the benefited receptors support the wall; benefited receptors will be surveyed during final design according to CDOT noise procedures. The noise analysis conducted for the EA determined that noise abatement was not feasible for the remaining receptors because it would not achieve large enough reductions in noise levels. Additional information regarding the noise abatement analysis is available in the *I-70 Floyd Hill to Veterans Memorial Tunnels Project Traffic Noise Technical Report*, which is an Appendix to the EA.

The CMGC Refined Preferred Alternative would elevate the highway 30 to 80 feet above Clear Creek Canyon and the Greenway in the Central Section. Noise levels would be lower when compared to existing conditions, where the highway is much closer in elevation to Clear Creek and the Greenway. While there is limited information available to assess the effects of viaducts on noise, noise primarily reflects outwards and upwards, rather than downwards, so recreationalists immediately below the viaduct would likely experience less noise from the highway traffic above. Additionally, concrete barriers associated with the viaduct would act as a noise-reducing medium for receptors below, and the structure itself would capture some of the roadway noise.

Temporary, intermittent increases in noise would occur during construction both in the daytime and nighttime. Noise levels would vary, depending on the loudest piece of equipment in operation at the time; rock blasting would be the loudest construction activity that would occur over the longest period. Rock blasting would occur primarily during the daytime

Figure 14. Proposed Noise Wall

Proposed Noise Wall in eastern Idaho Springs (top) will benefit 28 residences that are impacted by traffic noise higher than FHWA noise abatement criteria (bottom picture is existing condition).

4.10.2 How do the Impacts Compare to the EA Preferred Alternative?

A 14-foot-high by 1,395-foot-long noise wall was included in the EA Preferred Alternative in the same location in east Idaho Springs as the CMGC Refined Preferred Alternative. The design has progressed, and updated modeling indicates that a shorter length (approximately 875 feet) and slightly higher wall would provide the same level of benefit with less cost.

The Project continues to involve all major elements and the same types of construction activities and duration in the same general location. While there are some differences in either the locations of impacts (for example, where rock cuts would be needed) or the intensity of impacts (for example, fewer rock blasts would be needed), these changes are still related to temporary construction activities and would not result in an appreciable difference in noise between the EA Preferred Alternative and the CMGC Refined Preferred Alternative. Therefore, the analysis and findings reported in the EA remain valid.

4.10.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #34-40, initially identified in the EA, address requirements related to the noise wall as well as the potential for construction related noise impacts and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. No additional mitigation is needed.

4.11 Recreational Resources

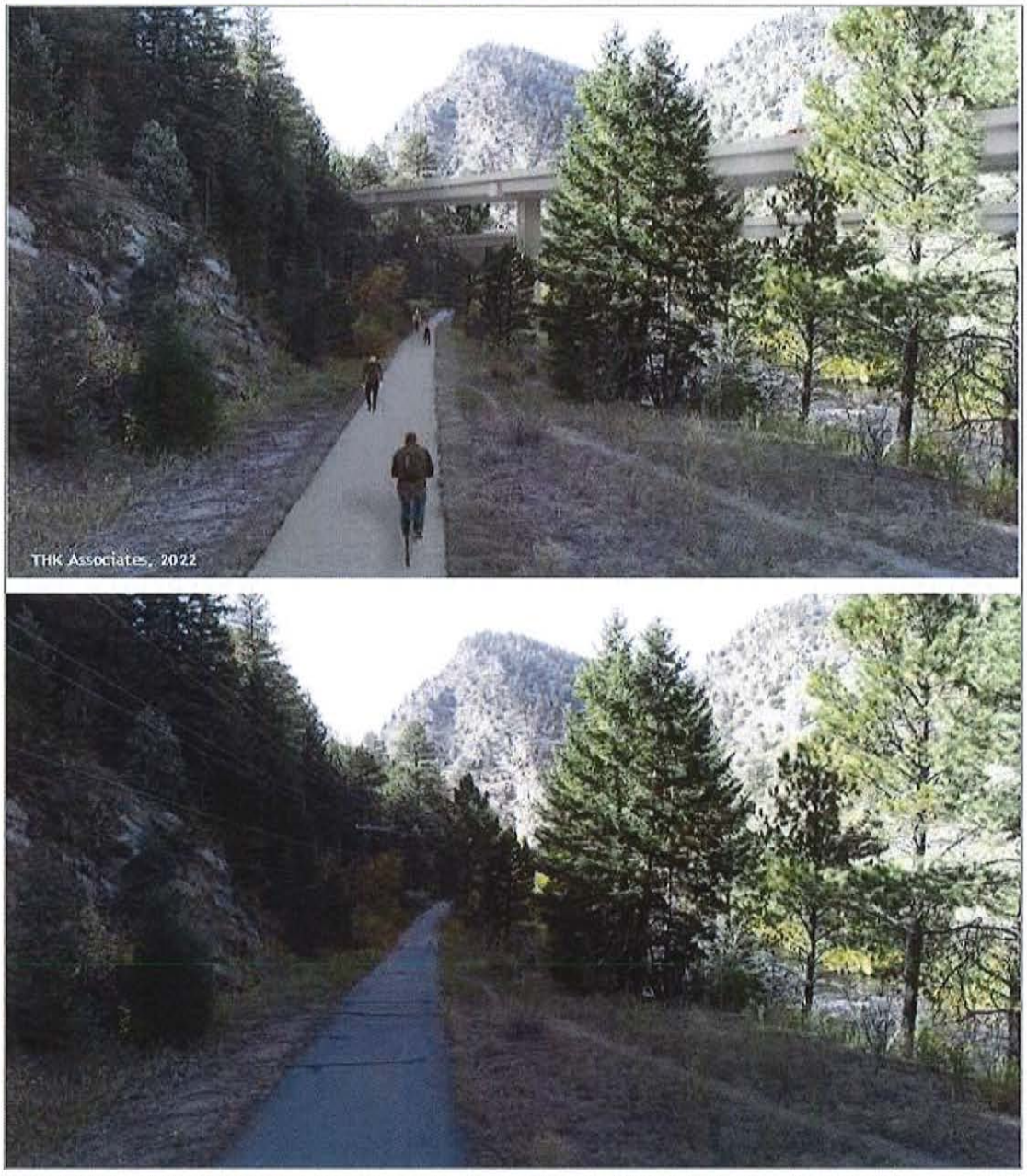
4.11.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would enhance the recreational experience of the Greenway. I-70 would be removed from the canyon floor and vertically separated from the Greenway and frontage road. In the area where I-70 is relocated and elevated above the canyon on a viaduct, the existing I-70 pavement would be removed and riparian areas would be restored, enhancing river recreation and the Greenway experience (Figure 15). Because I-70 traffic would be above the canyon, traffic noise along the Greenway would be notably reduced.

The Project includes resurfacing the Greenway and constructing 1,500 linear feet of additional trail that is ADA-compliant. The westernmost end of the Greenway (the Scott Lancaster Memorial Trail) would be repaved from asphalt to concrete in its existing location. Temporary closures of the trail would occur while resurfacing is taking place. The trail resurfacing would not impact the Game Check Area Park to the west.

Bridge piers would be visible from the Greenway, and the existing landscape would be visually affected by rock cuts, retaining walls, and slope and fill areas in the canyon. The viaduct structure would cross the Greenway and Clear Creek in four locations, which could result in increased snow and ice accumulation on the Greenway due to shading and winter maintenance activities on the viaduct such as snow plowing and snow removal, if not mitigated.

Figure 15. Improved Greenway Trail Simulation



Simulation of the improved Greenway trail near Sawmill Gulch (top) compared to existing condition (bottom)

The CMGC Refined Preferred Alternative would realign approximately 1,600 feet of Clear Creek east of the Central City/Hidden Valley interchange (see Section 4.17). This section of Clear Creek is characterized as having a deep channel, which is used by rafting companies for training and is also an important habitat for fish. The CMGC is evaluating this area with the goal of replicating existing conditions whenever feasible.

The CMGC Refined Preferred Alternative would not impact existing Clear Creek recreational access points; new recreational and emergency accesses along the Greenway and Clear Creek would be facilitated by the frontage road, removal of I-70 pavement, and regrading of steep river embankments. Although I-70 would shift south of Clear Creek (above the Greenway on a viaduct structure) for a portion of the alignment, the CMGC Refined Preferred Alternative would be compatible with Clear Creek County's plans for the Greenway because the highway would be elevated and moved out of the canyon floor.

The CMGC Refined Preferred Alternative would acquire about 15 acres of Hidden Valley Open Space for the saddle cut above Sawmill Gulch. The acquisition would not affect recreational use of Hidden Valley Open Space or the social trails in this area because the saddle cut is in an area that is too steep to support recreational activities. In adjacent areas, the vertical clearance under the viaduct would be high enough for recreational users to access the social trails below. However, the user experience and the recreational value of using these informal trails may be impacted due to the visual change and noise introduced by the new roadway, and these issues will be considered in final design.

Development of the Greenway alignment and trailheads, recreational pullouts, and Clear Creek access points will continue throughout final design. The CMGC Refined Preferred Alternative presents opportunities for recreational enhancements that will continue to be tracked and considered in final design.

Construction activities would result in visual disturbances due to the presence of large equipment, temporary signage, equipment for detours such as barriers and cones, dust and debris, temporary fencing, material stockpiles, staging areas, and barren landforms during earthwork activities such as grading and rock cutting. Increased noise levels and temporary delays or intermittent closures of Clear Creek recreational access points, the Scott Lancaster Memorial Trail, and an informal rock-climbing area during blasting activities would also be expected. Rock blasting could also result in temporary delays and/or closures of Clear Creek to rafting and fishing, if necessitated by safety concerns.

4.11.2 How do the Impacts Compare to the EA Preferred Alternative?

Near the saddle cut above Sawmill Gulch the CMGC Refined Preferred Alternative realigned I-70 and separated the eastbound and westbound alignments with smaller rock cuts rather than one large rock cut that was required for the parallel viaducts, reducing impacts to Hidden Valley Open Space by 2 acres (from the 17 acres reported in the EA to 15 acres under the CMGC Refined Preferred Alternative). As a result of the terraced design, the westbound I-70 viaduct is 10 feet to 20 feet higher than what was anticipated for the EA Preferred Alternative, and eastbound I-70 is lower. The benefits associated with vertically separating Clear Creek and the Greenway from I-70 traffic would be similar, with the recreational experience improving over existing conditions. However, the terraced design included in the CMGC Refined Preferred Alternative would be less imposing with the westbound and eastbound highway on separate alignments, which reduces the width of the structures and allows more light to pass through, reducing the amount of shading on the trail below as compared to the EA Preferred Alternative.

The EA Preferred Alternative was expected to realign Clear Creek, the Greenway, and CR 314 east of the Veterans Memorial Tunnels. Closures of CR 314, removal of one Clear Creek access point (identified as Clear Creek Access Point #5 in the EA), and disruptions to local traffic were expected because of the alignment. The CMGC Refined Preferred Alternative realigns I-70 to the north avoiding these impacts and reducing the overall intensity of construction related effects.

4.11.3 Are New Mitigation Commitments Required?

The following mitigation commitments have been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- Communicate trail closures within the Project limits to the public as well as to long-distance bikers that may connect from the broader trail network (e.g., Peaks to Plains). (FONSI Mitigation Commitment #45)
- When a trail is closed during construction, provide detours, flagging, or busing to maintain trail access during construction. (FONSI Mitigation Commitment #46)
- Include on-road detours on CR 314 when trail is closed. (FONSI Mitigation Commitment #47)

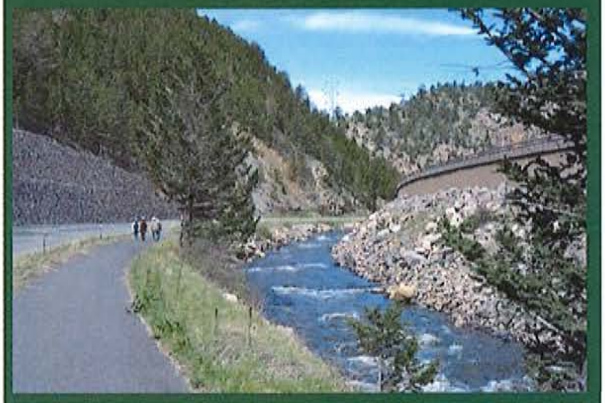
FONSI mitigation commitments #41-44 and #48-54, initially identified in the EA, address Project impacts to recreational resources and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. The mitigation commitment from the EA that addresses the elimination of Clear Creek Access Point #5 (identified as mitigation commitment #35 in the EA), has been removed from the tracking spreadsheet because the CMGC Refined Preferred Alternative now avoids this impact.

4.12 Section 4(f) Resources

4.12.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would impact the Scott Lancaster Memorial Trail within the Central and West Sections of the Project where the trail would be reconstructed and resurfaced. Most of the trail is classified for transportation use and is exempt from Section 4(f) approval under 23 CFR 774.13(f)(4) and agreement with Clear Creek County. The westernmost end of the trail (approximately 530 feet) in the Project area is located on public land owned by Clear Creek County for the Game Check Area Park, a recreational Section 4(f) resource.

The Project includes repaving the Greenway from asphalt to concrete in accordance with Clear Creek County standards.



Peak Consulting Group, 2020

Through the County property, the CMGC Refined Preferred Alternative would repave the trail from asphalt to concrete in its existing location, an improvement that originated from the PEIS Preferred Alternative commitment to provide a "bike trail and frontage roads from Idaho Springs to Hidden Valley and Hidden Valley to US 6." This component has been constructed in segments, and the Project will connect the final segment of the 'bike trail' (Greenway) from the Veterans Memorial Tunnels to US 6. Temporary closures of the trail would occur while resurfacing is taking place. The trail resurfacing would not impact the Game Check Area Park. Impacts to the trail in this location are solely to improve the existing condition and improve recreational opportunities for all users. For this reason, the CMGC Refined Preferred Alternative does not require Section 4(f) analysis and is excepted from Section 4(f) approval under 23 CFR 774.13(g). CDOT completed documentation of the Section 4(f) Enhancement Exception.

The Project would result in no adverse effects to historic properties. Effects to historic transportation facilities, including US 6 Highway (5CC.1184), US 6/US 40 Highway (5CC.2002), or the Colorado Central Railroad (5CC.427), are excepted from Section 4(f) approval as under 23 CFR 774.13(a)(3). The CMGC Refined Preferred Alternative would adversely affect the NRHP-eligible archaeological site. Archaeological sites are considered Section 4(f) resources if they are important mainly for their archaeological data and have minimal value for preservation in place. Because this resource is eligible for listing on the NRHP under Criterion D for its value to yield information important to history or prehistory, it is also excepted from Section 4(f) approval.

4.12.2 How do the Impacts Compare to the EA Preferred Alternative?

Reconstruction of the Scott Lancaster Memorial Trail and Game Check Area Park under the EA Preferred Alternative has been avoided but resurfacing of the trail is still planned for the CMGC Refined Preferred Alternative. In both cases, these impacts are for the sole purpose of improving the recreational resource and do not result in a Section 4(f) use.

4.12.3 Are New Mitigation Commitments Required?

Mitigation commitments for Section 4(f) Resources were not identified in the EA, and no new mitigation commitments are required.

4.13 Socioeconomic Resources

4.13.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would improve safety, reduce congestion, and improve traffic operations throughout the Project area by realigning curves, adding capacity, and improving intersection operations. This would result in safer conditions and more consistent travel speeds for area residents, commuters, and regional travelers who rely on I-70 to access area resources, businesses, and services in adjacent communities.

Improved traffic operations and reduced congestion on I-70 would reduce the amount of interstate traffic that currently diverts to US 40 during periods of congestion, benefiting the Floyd Hill neighborhood (generally located along I-70 west from the Jefferson County line to the I-70/US 6 interchange) by improving local access and mobility and helping realize the full benefits of improved traffic flow and reduced delays of the US 40 Roundabouts project, which was advanced separately as an Early Project and will be constructed in fall 2022 (see Section 3.2).

The CMGC Refined Preferred Alternative aligns I-70 to the north near the Veterans Memorial Tunnels to avoid impacts to Clear Creek and CR 314 in this area. CR 314 would remain open throughout the 5-year construction period. Traffic analysis indicates that traffic volumes on CR 314 would remain low under the CMGC Refined Preferred Alternative. When the frontage road is connected throughout the Project area, mobility would improve by providing an alternate route for local access and emergency response during congested periods or closures of I-70.

Elevating I-70 also would provide more space in the canyon for the frontage road, creek, and wildlife movement, and would open the land below for riparian restoration and enhanced recreation access. This would support community goals for improving recreation and creek access throughout the Project area.

Most businesses and community facilities in the Project area are concentrated in Idaho Springs, where construction would be limited. Recommended noise abatement (a noise wall), if determined by

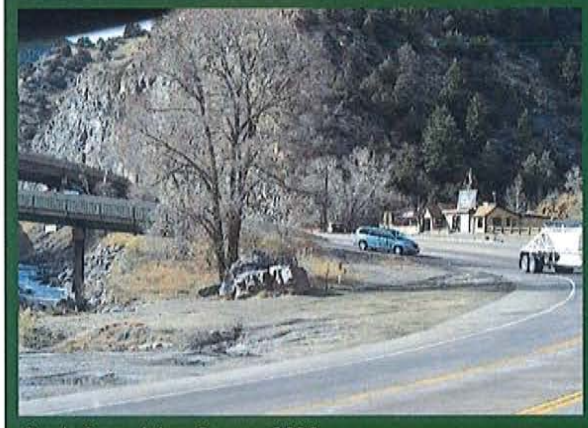
affected residents to be desirable, would have a beneficial effect of reducing traffic noise for Idaho Springs residents, including minority and low-income populations in eastern Idaho Springs. Like other projects identified in the PEIS that have recently been constructed, construction would be expected to have a positive effect on sales tax revenue in Idaho Springs. Due to is prime location within the Project area, construction workers may provide a temporary boot to business at Two Bears Tap and Grille .

The relocation of the US6/I-70 accesses to the Hidden Valley/Central City interchange and the connection to the frontage road has several benefits for the businesses that are located within the Project area. Access to the Black Hawk Water Treatment Plant, Valero gas station, and Squatch convenience store would be improved, and traffic bound for US 6 would use this exit, which could result in an increase in patronage at both the gas station and convenience store.

The CMGC Refined Preferred Alternative would also improve operations associated with the Albert Frie & Sons/Walstrum Quarry, I-70, and local neighborhoods by reducing conflicts with trucks from the quarry. Currently trucks heading in the eastbound direction from the quarry access I-70 in one of two ways - they either drive west on I-70 and turn around at the Hidden Valley/Central City interchange or drive east on US 40 through the Floyd Hill neighborhood to access I-70 at the Hyland Hills/Floyd Hill interchange. The latter is the most common travel pattern for trucks leaving the quarry and the Floyd Hill neighborhood has identified this as a concern because of the conflicts it generates between local traffic and trucks on US 40 and at the Hyland Hills/Floyd Hill interchange. With the CMGC Refined Preferred Alternative, trucks from the quarry will now have direct access to I-70 via the new eastbound on-ramp from US 6.

Two Bears Tap and Grill is located immediately north of the US 6/I-70 interchange. Westbound drivers would continue to access Two Bears through the off-ramp to US 6. Eastbound drivers would access US 6 at the Hidden Valley/Central City Interchange and would drive by Two Bears on the frontage road. However, if eastbound drivers remain on I-70 and do not exit at the Hidden Valley/Central City interchange, they would pass Two Bears and would be unlikely to turn around, which could result in a reduction of highway-related patronage. CDOT has discussed the Project with the owners of the Two Bears Tap and Grill and will continue to coordinate with them on the design to mitigate impacts to their business, such as providing highway signage and construction marketing materials. The westbound I-70 off-ramp to US 6 would remain, and there would be no change in access for westbound travelers.

Highway access to Two Bears Tap and Grill would change as a result of the Project



Peak Consulting Group, 2020

River rafting and fishing outfitters also could be affected by modifications to access at US 6, where popular access points are located. River rafting and fishing outfitters from Idaho Springs would no longer be able to access US 6 directly from eastbound I-70 in its current location. However, unlike Two Bears Tap and Grill, whose sales are more dependent on highway visibility and more immediate access by customers, river rafting and fishing outfitters could drive or direct their customers to the correct locations.

The CMGC Refined Preferred Alternative would be a major construction project that would disrupt traffic and require periodic highway closures for activities such as bridge pier and girder placement or rock blasting during the approximately five-year-long construction period. This would increase travel times and emergency response between Clear Creek communities and medical services in Jefferson County. Where possible, closures would occur in off-peak travel periods to minimize impacts.

The Project, with an Express Lane provides an option for a congestion-free lane and also improves traffic operations in the existing General Purpose lanes by offering more reliable travel times and choices for all travelers. The EA considered potential impacts of tolling on low-income and minority populations and determined that the Project would not create a meaningful financial burden for lower-income residents or commuters and would provide the same mobility and safety benefits for all users in both General Purpose and Express Lanes.

4.13.2 How do the Impacts Compare to the EA Preferred Alternative?

The EA Preferred Alternative was expected to realign Clear Creek, the Greenway, and CR 314 east of the Veterans Memorial Tunnels. The realignment was expected to result in temporary closures of CR 314, removal of Clear Creek Access Point #5, and temporary disruptions to local traffic. The CMGC Refined Preferred Alternative realigns I-70 to the north avoiding these impacts and reducing the overall intensity of construction related effects. The relocation of the westbound I-70 access from US 6 to the Hidden Valley/Central City interchange and the connection to the frontage road from the east was not included in the EA Preferred Alternative and has several benefits for the businesses that are located within the Project area. Other than these changes, impacts to socioeconomic resources remain consistent with what was expected under the EA Preferred Alternative and the analysis and findings reported in the EA remain valid.

4.13.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #58-62, initially identified in the EA, address impacts to local businesses, provisions for emergency response, and coordination with the public throughout construction and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. No additional mitigation is needed.

4.14 Threatened and Endangered Species

4.14.1 What are the Impacts of the CMGC Refined Preferred Alternative?

Permanent impacts to potential Preble's meadow jumping mouse (PMJM) (*Zapus hudsonius preblei*) are unlikely. The Beaver Brook area, where suitable habitat is present, was surveyed in June 2020 and no PMJM were documented, and the Project does not affect Beaver Brook. Impacts to northern leopard frog (*Lithobates pipiens*) habitat could occur with vegetation removal and the associated potential introduction and spread of noxious weeds along Clear Creek and its riparian zone. However, suitable habitat for northern leopard frog is marginal in areas that would be directly impacted by the CMGC Refined Preferred Alternative.

Suitable habitat for PMJM is present along Beaver Brook, north and south of I-70, but no construction will occur in this area.

Peak Consulting Group, 2020

Impacts on Bald Eagles (*Haliaeetus leucocephalus*) would not be expected because their preferred habitat does not exist in the Project area. Bald Eagles may avoid winter use of the Project area during construction, but impacts would be minor and temporary.

The Monarch butterfly (*Danaus plexippus*) is a candidate for listing under the Endangered Species Act (ESA) and is therefore not currently protected under the ESA. The Project area is not located along a known Monarch migratory corridor or within an overwintering site due to its location in the intermountain west; however, the species is known to occur, seasonally, along Colorado's Front Range including the Denver Metro and surrounding areas. Some temporary and permanent loss to potential Monarch butterfly foraging habitat will result from the Project; however, the CMGC Refined Preferred Alternative includes approximately 8 acres of riparian habitat restoration, which will allow the inclusion of nectar species such as native milkweed (Asclepias spp). Because of the Project location, and the opportunity for habitat restoration and enhancement, it has been determined that the action Will Not Jeopardize the Continued Existence of the Monarch butterfly.

Indirect impacts to Townsend's big-eared bat (*Corynorhinus townsendii pallescens*) could occur from the removal of trees, shrubs, and herbaceous plants that constitute foraging habitat. Indirect impacts to PMJM cover and foraging habitat could occur from continued accumulation of chemicals used for deicing and winter maintenance; this habitat is marginal due to its location next to the roadway. The wider highway of the CMGC Refined Preferred Alternative could increase the quantity of chemicals.

Construction activities are unlikely to impact PMJM. As noted previously, no PMJM have been documented in areas where suitable habitat is present (i.e., Beaver Brook). Construction activities would potentially impact the northern leopard frog habitat and Townsend's big-eared bat foraging habitat. Activities with potential impacts include the installation of wildlife fencing on the south side of I-70 along the drainages for Beaver Brook and an unnamed tributary. Construction noise and

nighttime lighting could impact individual bats that occasionally travel through the area; however, individual bats would be able to fly around the construction area and avoid impacts.

4.14.2 How do the Impacts Compare to the EA Preferred Alternative?

The EA did not evaluate impacts to the Monarch butterfly since it was not a candidate for listing on the ESA at the time of the analysis. Design changes result in less vegetation removal and include additional opportunities for the restoration of riparian habitat, which would improve conditions for PMJM, northern leopard frog, and Townsend's big-eared bat habitat along Clear Creek. The overall disturbance area, Project elements, and types of construction activities are the same as what was evaluated in the EA and the analysis remains valid.

4.14.3 Are New Mitigation Commitments Required?

The following Mitigation Commitments have been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- To proactively minimize any impacts to potential Monarch butterfly habitat, disturbed areas will be reseeded with a mix of native plant species including two species of flowering forbs and milkweed where appropriate. (FONSI Mitigation Commitment #69)
- CDOT will use only native grasses, forbs, and shrubs in compliance with Procedural Directive 503.1 to protect pollinator habitat along certain state highway corridors through its Integrated Roadside Vegetation Management Program. (FONSI Mitigation Commitment #70)

FONSI mitigation commitments #63-68, initially identified in the EA, address potential impacts to Townsend's big eared bat, PMJM, and northern leopard frog habitat and have been carried forward in the mitigation tracking spreadsheet included in Appendix B.

4.15 Vegetation and Noxious Weeds

4.15.1 What are the Impacts of the CMGC Refined Preferred Alternative?

After accounting for land area reclaimed and revegetated due to removal of existing transportation facilities, the CMGC Refined Preferred Alternative would incorporate 19 acres of developed land and approximately 8 acres of vegetated land cover into the transportation facility. Approximately 3 acres of evergreen forest would be removed in the Sawmill Gulch area due to construction of I-70 on the southern hillside above Clear Creek.

CDOT performs ongoing maintenance to control the spread of noxious weeds.

CDOT, 2018

Impacts would also occur just west of the saddle cut, where the viaduct would touch back down to ground level. To accommodate this landing, an approximately 1,600-foot realignment of Clear Creek is required, which would impact approximately 0.2 acres of shrub/scrub and 1 acre of evergreen and deciduous forest. In the West Section of the Project, the northward shift

of I-70 would require a rock cut that would impact approximately 0.6 acres of vegetative cover classified as evergreen forest and 0.7 acres classified as shrub/scrub, though most of this area is rock face and not vegetated. Additional impacts to vegetation are expected from bridge and viaduct pier placement but are expected to be minor and are not included in these numbers because piers have not yet been designed or located.

The CMGC Refined Preferred Alternative would restore approximately 8 acres of riparian vegetation on the north bank of Clear Creek near MP 243.7 and an additional 2.5 acres on the north bank of Clear Creek east of the Veterans Memorial Tunnels near MP 242.5 where existing I-70 roadway facilities would be removed.

Construction of the CMGC Refined Preferred Alternative would temporarily impact an additional 4 acres of developed land and one additional acre of vegetation that would be revegetated after construction. These temporary vegetation impacts are primarily associated with loss of roadside vegetation.

Ground disturbance and clearing during construction would expose soils to erosion, disturb habitat, and have the potential to spread noxious weeds. Disturbed areas would be revegetated after construction was complete, and CDOT's ongoing highway maintenance activities include control of noxious weeds. Additional maintenance activities that could result in direct or indirect impacts to vegetation include mowing, winter plowing, use of deicer, and other minor improvements in the right-of-way, as needed.

4.15.2 How do the Impacts Compare to the EA Preferred Alternative?

The CMGC Refined Preferred Alternative reduces impacts to vegetation by approximately 5 acres. The difference results from modifications to the design that avoid areas with vegetated land cover, particularly around CR 314 where the EA Preferred Alternative was expected to impact land surrounding Clear Creek, the Greenway, and trees and roadside vegetation along CR 314. In addition, greater detail is now available on the design of the viaduct structures and the extent of the areas that can be avoided below.

The 8 acres of riparian restoration identified in the EA remain a part of the Project. Realignment of the highway to the north in the West Section has presented the opportunity for the restoration of an additional 2.5 acres of riparian habitat, which is now included in the CMGC Refined Preferred Alternative.

4.15.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #72-74, initially identified in the EA, address impacts associated with clearing and removal of vegetation, reclamation, and the potential to introduce noxious weeds and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. No additional mitigation is needed.

4.16 Visual Resources

4.16.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would have adverse visual impacts due to retaining walls, rock cuts, cut and fill slopes, associated vegetation removal, and viaduct piers and shading. The viaduct and other structures would be designed as unique structural elements to complement the landscape, following the *I-70 Mountain Corridor Aesthetics Guidance* and *I-70 Mountain Corridor Engineering Design Criteria*.

I-70 travelers would experience visual change as they travel on the viaduct and through the bench cut; the viaduct would be visually noticeable while traveling on it but minor in the context of surrounding landscape features. The grading of the bench cut surrounding I-70 in the Sawmill Gulch area south of Clear Creek would adhere to aesthetics guidance and engineering design criteria to create a naturalistic appearance. The visual experience for travelers on the viaduct would be more comfortable than the experience of travelers today: travelers on the viaduct would have open views of the natural landscape as opposed to limited views constrained by tight curves around tall rock cuts in the mountain side.

Shading of landforms and vegetation under the viaduct structure throughout the Central Section of the Project may affect visual quality. A shading study was conducted to better understand the location of shading impacts by season. The study indicated that the canyon walls create shade for much of the day during the winter, regardless of the roadway infrastructure.

Recreationalists using the Greenway would benefit from the restoration of riparian areas included in the CMGC Refined Preferred Alternative. As shown in Figure 15, roadway infrastructure, rock cuts, and cut/fill slopes in the bottom of the canyon would alter the existing landscape. Viaduct crossings of Clear Creek and the Greenway could block views for recreational users in some locations. The I-70 benches cut into the mountainside south of Clear Creek would not be visible to recreationalists using the Greenway.

The recommended noise wall in eastern Idaho Springs would impact residents' views by blocking the lower portion of their view of the south side of Clear Creek Canyon. However, the noise wall also would block their view of the I-70 roadway infrastructure, which would be a visual benefit, while leaving the view of mountain ridges to the south intact.

Construction impacts would include visual disorder due to the presence of large equipment, temporary signage, equipment for detours such as barriers and cones, dust and debris, temporary fencing, material stockpiles, staging areas, and barren landforms during earthwork activities such as grading and rock cutting.

A Visual Impact Assessment (VIA) was completed for the Project and is documented in the *I-70 Floyd Hill to Veterans Memorial Tunnels Visual Impact Assessment Technical Report*, which is an appendix to the EA. The technical report provides a detailed analysis of the Project's visual effects and visual simulations, including a comprehensive progression of recreationalists' views through the Greenway. The modifications to the design that have occurred throughout the CMGC process do not result in a change in the intensity of anticipated impacts but some of the views presented in the technical report are no longer accurate. The VIA has been updated with an addendum that describes the changes. The addendum is attached to the *I-70 Floyd Hill to Veterans Memorial Tunnels Visual Impact Assessment Technical Report* in Appendix A of the EA.

4.16.2 How do the Impacts Compare to the EA Preferred Alternative?

Impacts from the CMGC Refined Preferred Alternative are consistent with the EA Preferred Alternative. As described in Chapter 3, under the CMGC Refined Preferred Alternative, westbound and eastbound lanes would cross over each other on independent alignments, the westbound viaduct would be higher than what was reported in the EA to minimize rock cuts at Sawmill Gulch, and bridge piers would be placed in different locations. The eastbound viaduct would be lower, and overall rock cuts would be smaller. Where the viaduct returns to grade at the Hidden Valley/Central City interchange, eastbound lanes would be closer to the existing Greenway trail (12.5 feet away) but higher (30 feet) above the

new segment of trail. Although design modifications result in some differences in the location or elevation of structural elements, the context and intensity of visual impacts remain the same. The scale of Project elements would remain a strong visual contrast to the natural environment but with the application of engineering design criteria and aesthetic guidance, Project elements would be designed as unique structural elements to complement the landscape.

4.16.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #75-81, initially identified in the EA, address visual impacts associated with the introduction of additional built elements, changes to views along the Greenway, shading, and visual disorder during construction and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. No additional mitigation is needed.

4.17 Water Quality

4.17.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The increase in impervious surfaces from widening the highway and the new frontage road connection would contribute to an increase in highway stormwater runoff, which could adversely impact water quality if not treated. Water quality treatment facilities will be included in the Project, and details regarding their locations and specifications will be determined during final design and in coordination with the SWEEP ITF.

CDOT uses deicers exclusively for winter maintenance in the Project area. Chlorides included in deicers are water soluble and non-filterable, and therefore, can be discharged directly into streams and soils where snow is plowed and/or stored and left to melt. Water quality monitoring stations have recorded increased salinity in Clear Creek in recent years. Traditional structural CMs, like detention ponds, are generally not effective in treating chlorides. Chlorides are best addressed through a combination of operational control measures, vegetation and dilution strategies, and ongoing monitoring to determine efficacy.

Winter maintenance and snow storage have the potential to discharge chlorides into Clear Creek. Impacts will be addressed through a multifaceted approach.

CDOT, 2011

CDOT uses a heavier deicer application to prevent icing on bridges compared to at-grade roadways, resulting in the potential for more pollutants to enter Clear Creek.

Highway operations on the viaduct above Clear Creek, especially at crossings of the creek, would increase the risk of hazardous material spills entering Clear Creek directly. Shading from the viaduct also could limit vegetation growth below, potentially reducing the ability of vegetation to filter sediment and pollutants.

Temporary water quality impacts would occur because of construction activities and associated surface water discharge into Clear Creek. Exposed soils during construction would increase the potential for erosion and sediments to enter waters during the construction period. Additionally, rock in the area where rock cuts will be required has the potential to be highly mineralized and there is a potential for leaching of minerals in waste rock piles that could result in runoff and contamination to Clear Creek.

Managing water quality for the Project follows a pollutant-focused, tiered approach that incorporates formal water quality CMs, such as detention basins, to mitigate the majority of roadway runoff and informal water quality CMs, such as vegetated ditches, to mitigate roadway runoff with site constraints. Because Clear Creek is a 303(d)-listed impaired water body (for metals), CDOT used the Stochastic Empirical Loading and Dilution Model (SELDM) to inform water quality CMs that could be included in the Project to improve water quality in Clear Creek. The Sediment Control Action Plan (SCAP), which was developed as a commitment of the I-70 Mountain Corridor SWEEP MOU, recommends water quality CMs and locations where stream health affected by I-70 can be improved. The Project considered the SCAP recommendations and reviewed them with the SWEEP ITF to include recommended CMs, as appropriate. CDOT remains committed to improving overall stream health and to continued evaluation of impacts associated with chloride. Specific CMs will be located and included in the Project as the design progresses and in coordination with the SWEEP ITF to balance the site constraints within the pollutant-focused, tiered approach to protecting and improving water quality.

4.17.2 How do the Impacts Compare to the EA Preferred Alternative?

The CMGC Refined Preferred Alternative would require approximately 35 percent less bridge structure—700,000 square feet compared to 932,000 square feet for the EA Preferred Alternative. This would reduce the amount of deicer that would need to be applied to prevent icing and, in turn, decrease the quantity of associated chlorides that could be discharged into Clear Creek.

There are no other meaningful differences in impacts to water quality between the CMGC Refined Preferred Alternative and the EA Preferred Alternative. Water quality concerns remain focused on effective treatment of stormwater runoff, challenges associated with de-icing activities and chloride treatment, and impacts to adjacent surface waters during construction. The approach to water quality treatment is unchanged.

4.17.3 Are New Mitigation Commitments Required?

The following Mitigation Commitment has been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- Encapsulate mineralized rock generated during blasting activities beneath the roadway pavement, away from groundwater, to prevent the release of contaminants and migration of minerals into Clear Creek. If encapsulation is not feasible, remove mineralized rock from the Project area to an appropriate disposal site. (FONSI Mitigation Commitment #87)

FONSI mitigation commitments #82-86, initially identified in the EA, address impacts to water quality and the development of water quality CMs and have been carried forward in the mitigation tracking spreadsheet included in Appendix B.

4.18 Wetlands and Aquatic Resources

4.18.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would impact approximately 7,535 square feet (0.17 acre) of wetlands and would require realignment of approximately 1,600 linear feet of a channelized portion of Clear Creek near the Hidden Valley/Central City interchange. Temporary impacts to Clear Creek may occur in locations where bridges would be replaced or constructed.

The realignment of Clear Creek will require an Individual Section 404 Permit. CDOT is working with the USACE, EPA, Colorado Parks and Wildlife (CPW), and other members of the SWEEP ITF, including Trout Unlimited and Upper Clear Creek Watershed Association, to develop a compensatory mitigation plan to account for functional losses. CDOT has initiated a functional assessment of the reaches of Clear Creek that could be impacted or improved using the Colorado Stream Quantification Tool (CSQT) to confirm mitigation requirements and is coordinating with USACE and EPA on permitting requirements.

The CMGC Refined Preferred Alternative will restore and recreate riparian areas and implement stream and habitat improvements in areas where the highway is being removed from the canyon and creek edges to improve stream, floodplain, and riparian and fish habitat conditions along Clear Creek in the Project area. The enhancements will also require 404 permitting with USACE and Senate Bill 40 wildlife certification with CPW. The 404 permit is separate from the mitigation plan required for the individual permit and is expected to fall under a Nationwide Permit 27 for Aquatic Habitat Restoration, Enhancement, and Establishment Activities. The final mitigation and enhancement plans will be developed with the SWEEP ITF and will include participation with rafting companies.

The CMGC Refined Preferred Alternative has been designed to span Sawmill Gulch (a tributary of Clear Creek) to avoid impacts to this resource. It also avoids impacts to Johnson Gulch.

The CMGC Refined Preferred Alternative would not alter the local or regional hydrology of the area. The major surface water features in the Project area would continue to support aquatic habitat. The hydrologic connectivity across I-70 would be maintained. However, new bridge structures over Clear Creek could result in additional shading, thus affecting establishment and growth of wetland vegetation underneath.

Temporary impacts to wetlands or surface waters related to construction activities would result from vegetation removal, earthmoving, grading activities, and staging of equipment. In addition, the demolition of existing bridge structures near the I-70 and US 6 interchange could result in temporary impacts. Temporary impacts will be addressed in final design plans by implementing contractor best management practices and CDOT specifications.

Construction activities could indirectly affect surface waters or wetlands through ground disturbance, erosion, and stormwater runoff, but impacts are anticipated to be temporary and minor. Stormwater runoff during construction may temporarily impact nearby wetlands or surface waters. Construction activities also disturb the ground surface, which increases the likelihood of noxious weeds becoming established that may crowd out more desirable native wetland vegetation. Indirect impacts also include increased stormwater runoff from the additional impervious surface associated with the widened road. That runoff could be of lower water quality as it may contain pollutants, though CMs would be implemented to reduce the potential for these impacts.

4.18.2 How do the Impacts Compare to the EA Preferred Alternative?

The CMGC Refined Preferred Alternative would realign Clear Creek in the Central Section rather than in the West Section as was expected under the EA Preferred Alternative (Figure 16). The impacts to the creek are similar in terms of linear feet and functional quality, and permitting requirements are the same.

Figure 16. Comparison of Clear Creek realignment areas between the EA Preferred Alternative and the CMGC Refined Preferred Alternative

The CMGC Refined Preferred Alternative is expected to permanently impact 7,535 square feet (0.17 acre) of wetlands, a notable increase from the 44 square feet (0.001 acre) reported in the EA. Impacts to surface waters are also higher with an additional 778 linear feet of impact beyond the 1,522 linear feet reported in the EA. A numeric comparison of impacts may not accurately reflect the difference between the alternatives given the difficulty in distinguishing between the changed conditions of the wetland delineation in the Project area (see Section 3.3), modifications to the EA Preferred Alternative, and the advancement of the design. In some cases, impacts were lower in the EA because less was known about the design and in other cases, higher because wetlands boundaries have increased and/or the design has advanced. The overall disturbance area, Project elements, and types of construction activities are the same as what was evaluated in the EA and the Project would still need to be permitted by the USACE.

4.18.3 Are New Mitigation Commitments Required?

The following Mitigation Commitment has been added to CDOT's Mitigation Commitment Monitoring and Reporting Spreadsheet, included in Appendix B:

- Restore and recreate riparian areas and implement stream and habitat improvements in areas where the highway is being removed from the canyon and creek edges. The enhancements will require 404 permitting with USACE and Senate Bill 40 wildlife certification with CPW. The 404

permit is separate from the mitigation plan required for the individual permit and is expected to fall under a Nationwide Permit 27 for Aquatic Habitat Restoration, Enhancement, and Establishment Activities. (FONSI Mitigation Commitment #95)

FONSI mitigation commitments #88-94 and 96-98, initially identified in the EA, address impacts to wetlands and surface waters associated with construction activities and detail requirements associated with the Section 404 Individual Permit and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. No additional mitigation is needed.

4.19 Wildlife and Aquatic Species

4.19.1 What are the Impacts of the CMGC Refined Preferred Alternative?

The CMGC Refined Preferred Alternative would permanently incorporate approximately 8 acres of vegetated general wildlife habitat into the transportation facility, including forested/upland trees and vegetation, riparian habitat, and shrub/scrub habitat, which support a variety of wildlife species. Additional impacts to habitat are expected from bridge and viaduct pier construction but are expected to be minor and are not included in this number because piers have not yet been designed or located. No piers are anticipated in Clear Creek, and pier locations can generally be sited to avoid substantial impacts to wildlife or fish habitat.

The CMGC Refined Preferred Alternative would not impact mule deer (*Odocoileus hemionus*) winter concentration area or mule deer severe winter range. It would impact approximately 12 acres of elk (*Cervus canadensis*) winter range habitat. Approximately 6 acres of south-facing slope and big horn sheep (*Ovis canadensis*) summer and winter range, and 0.2 acres of bighorn sheep severe winter range would be lost due to rock cuts and removal. Bighorn sheep habitat also may be affected by rockfall mitigation materials, such as netting.

The CMGC Refined Preferred Alternative would improve riparian and stream habitat through stream restoration and enhancements, which would be implemented through a riparian restoration plan for 10.5 acres of reclaimed area where existing roadway infrastructure would be removed north of Clear Creek, and through the Section 404 mitigation plan to address the impacts of the Clear Creek channel realignment, discussed in Section 4.18.

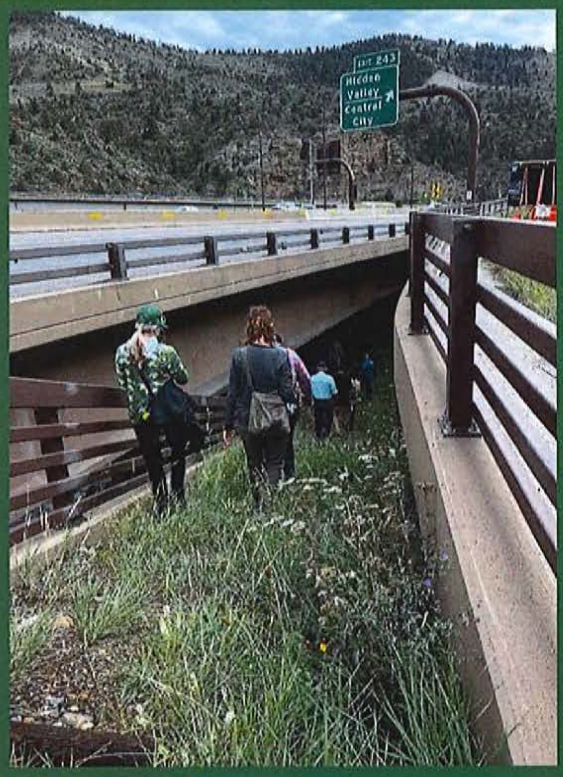
The area between MP 243.0 and MP 244.9 falls within the Clear Creek Linkage Interference Zone (LIZ). A LIZ is defined as an area along the I-70 Mountain Corridor that is a barrier to wildlife movements. In the Clear Creek LIZ, the CMGC Refined Preferred Alternative would improve wildlife movement east-west along Clear Creek and decrease wildlife-vehicle collisions by removing the interstate from creek level. The existing deer ramp under I-70 would be maintained, and the bench at the US 6 interchange area would be improved for north-south passage, considerably reducing the existing barrier effect to north-south wildlife movement along Clear Creek and dispersal east-west across I-70 at the US 6 interchange.

Since the I-70 lanes would be moved overhead to the viaduct, wildlife attempting to travel north-south across the Project would only have to cross the US 6 frontage road, and east-west connectivity along the creek bed would be improved as well. The new bridges over Clear Creek at the US 6/I-70 interchange also would be improved and would have a wildlife bench installed to provide a suitable surface (substrate) for wildlife to cross under I-70 along Clear Creek in the Clear Creek LIZ. The ALIVE ITF expressed preference for elevating I-70 above Clear Creek because the high viaducts provide the ability of terrestrial wildlife to move freely next to the creek with less traffic conflict.

East and west of the viaduct, the construction of additional I-70 travel lanes, installation of guardrails, rock cuts, retaining walls, and increased traffic volumes would contribute to continued wildlife habitat fragmentation, loss of connectivity between wildlife populations, and a potential increase in wildlife-vehicle collisions.

In the Beaver Brook LIZ, the CMGC Refined Preferred Alternative would include approximately two miles of wildlife fencing on the north and south sides of I-70 from the Hyland Hills/Floyd Hill interchange east to Soda Creek Road to prevent animal-vehicle collisions (primarily elk) in this wildlife-vehicle collision hotspot location. While fencing is highly effective at reducing animal-vehicle collisions, the installation of fencing without a wildlife crossing of the highway will create a permanent barrier for the resident elk herd in the meadow between Clear Creek High School and the highway to access habitat on the north side I-70. As noted in Section 3.2, CDOT is constructing two new wildlife crossings as Early Projects near the communities of Genesee and Empire based on recommendations provided by the ALIVE ITF. Although they are not part of the CMGC Refined Preferred Alternative, the wildlife crossings are Project mitigation commitments and will benefit wildlife movements along the I-70 Mountain Corridor.

New bridges will be constructed with wildlife passage in mind, incorporating areas for wildlife movement like this deer ramp constructed as part of the Twin Tunnels Project.



Peak Consulting Group, 2022

The CMGC Refined Preferred Alternative would improve fish habitat and stream conditions through implementation of stream enhancements described in Section 4.18. CPW is working with CDOT and the SWEEP ITF to identify locations where stream enhancements could benefit trout habitat.

Wildlife habitat throughout the Project area could be indirectly affected in several ways. Habitat could be affected by introduction and spread of noxious weeds and the continued accumulation of chemicals used for deicing and winter maintenance. However, this habitat is marginal due to its location next to the roadway. The wider highway could increase the amount of chemicals used over the existing condition. Rock fall material installed over rock cuts could trap avian species and could interfere with bighorn sheep movement, indirectly causing mortality. Shading from bridges and the viaduct could affect both terrestrial and aquatic habitat by reducing sunlight reaching these habitats.

Terrestrial and fish species could be affected by construction activities and avoid the Project area during construction. Disturbance of habitat, introduction of noise and human activity that causes wildlife to avoid the area, and nighttime lighting may impact movement of species and birds. Construction activities could also cause mortality of small mammals and reptiles, and construction

disturbance during raptor and migratory bird nesting period (February 1 to August 31) could disturb nesting birds and cause abandonment and/or predation of nests if active nests are not identified in pre-construction surveys and avoided.

Construction in and over water bodies, including relocation of an approximately 1,600-foot section of Clear Creek east of the Hidden Valley/Central City interchange, could directly impact individual fish, spawning habitat, and macroinvertebrates during the construction period. The creek bottom and pools used for overwintering of aquatic species could be disturbed, and increased sedimentation and pollutants from stormwater runoff could adversely affect water quality and aquatic habitat if not properly managed.

4.19.2 How do the Impacts Compare to the EA Preferred Alternative?

Impacts from the CMGC Refined Preferred Alternative are consistent with the EA Preferred Alternative. Changes in the location of rock cuts reduces impacts to Bighorn Sheep habitat by 3.8 acres from what was reported in the EA. Impacts to elk winter range habitat would increase by 5 acres, primarily due to the realignment of the highway to the south, just east of the Hidden Valley/Central City interchange, where Clear Creek would be realigned. The CMGC Refined Preferred Alternative would realign the highway to the north in the West Section and present the opportunity to restore an additional 2.5 acres of riparian habitat.

Although design modifications result in some differences in the location and quantity of impacts, the context and intensity of impacts remain the same.

4.19.3 Are New Mitigation Commitments Required?

FONSI mitigation commitments #99-108, initially identified in the EA, address impacts to wildlife and have been carried forward in the mitigation tracking spreadsheet included in Appendix B. The mitigation commitment from the EA to provide new wildlife crossings along I-70 (identified as mitigation commitment #84 in the EA) has been removed from the tracking table, since this has been addressed through the advancement of the wildlife crossing projects at Genesee and Empire. The mitigation commitment from the EA to consider opportunities for wildlife passage for carnivores and medium-sized fauna at the Johnson Gulch culvert (identified as mitigation commitment #85 in the EA) has also been removed because the Project no longer impacts this culvert. No additional mitigation is needed.

5.0 MITIGATION COMMITMENTS

Mitigation measures included in the Project are documented in CDOT's Mitigation Monitoring and Documentation Tracking Spreadsheet (Appendix B). The environmental commitments for the Project reflect an adaptive mitigation approach that provides for flexibility in responding to real time site and construction conditions and will continue to be reviewed for each of the design packages. The tracking spreadsheet summarizes the activities that trigger mitigation, along with the location where the activity occurs and the impact that the activity causes, allowing the contractor or CDOT to modify the activity and further avoid impacts. If the impact is avoided, mitigation would not be required.

5.1 Changes to Mitigation Commitments From the EA

Most of the mitigation measures developed to address impacts identified during the EA have been carried forward for the CMGC Refined Preferred Alternative. However, where design modifications have avoided impacts, mitigation is no longer needed and has been removed from the tracking spreadsheet. Additionally, new mitigation measures have been added to the tracking spreadsheet where impacts have been identified or new issues have been raised under the CMGC Refined Preferred Alternative. Changes to mitigation are summarized in Table 3.

Table 3. Changes to Mitigation Commitments

Resource	Change to Mitigation?	Summary
Air Quality	Yes	Five additional mitigation commitments have been added: FONSI Mitigation Commitment #4, which commits the Project to phased construction to bring disturbed areas to substantial completion, reducing fugitive dust and potential water quality impacts; FONSI Mitigation Commitment #10, which encourages carpooling to the job site; FONSI Mitigation Commitment #11, which requires the contractor to use an existing gravel pit at the Project site to process excess rock cut material, reducing haul distance by 75 percent; FONSI Mitigation Commitment #12, which addresses compliance with SB260 requirements; and FONSI Mitigation Commitment #13, which commits CDOT to evaluating air quality if modifications to the Hidden Valley/Central City interchange warrant. The Construction Manager has committed to additional measures to control and minimize air emissions and GHG emissions. These include implementing air quality monitoring stations within the jobsite that provide real-time notification regarding particulate matter (FONSI Mitigation Commitment #2); utilizing the latest heavy equipment technology to reduce diesel particulates (FONSI Mitigation Commitment #6); and performing early offline work to reduce emissions from idling vehicles in potential traffic slowdowns (FONSI Mitigation Commitment #8).
Cultural Resources	Yes	Two additional mitigation commitments have been added: FONSI Mitigation Commitment #14, which includes coordination with Clear Creek County regarding impacts to the remnants of the Colorado Central Railroad retaining walls and FONSI Mitigation Commitment #15, which reflects CDOT's commitment to consult with the SHPO regarding effects and mitigation for the NRHP-eligible archaeological site, develop a treatment plan, and develop and implement all stipulations in a supplement to the I-70 Mountain Corridor PA. Mitigation regarding the potential for disturbance to the NRHP-eligible archaeological site (EA Mitigation Commitment #9) has been removed because any remaining effects will be incorporated into the PA supplement.

Resource	Change to Mitigation?	Summary
Floodplains	Yes	Mitigation regarding changes to BFEs (FONSI Mitigation Commitment #19, previously EA Mitigation Commitment #13) has been revised to reflect the need for hydraulic modeling to confirm that the Project will remain within the 0.5-foot rise in BFE criteria established for Project based on coordination with local floodplain administrators following the release of the EA.
Geologic Resources	Yes	Mitigation regarding rock excavation (FONSI Mitigation Commitments #20 and #21, previously EA Mitigation Commitments #14 and #15) have been revised to remove CR 314 as a location that triggers mitigation, since the CMGC Refined Preferred Alternative no longer requires rock blasting in this area.
Hazardous Materials	No	An additional mitigation commitment (FONSI Mitigation Commitment #32) has been added that requires consultation with CDOT Property Management prior to the development of the Health and Safety Plan and Materials Management Plan, as they may have knowledge of highway spills or other hazardous materials impacts in the Project area. Mitigation regarding the purchase of real estate (FONSI Mitigation Commitment #31, previously EA Mitigation Commitment #25) has been revised to add consultation with CDOT Property Management to confirm whether prior hazardous materials surveys have been completed for the property.
Land Use	No	Not Applicable
Right-of-Way	Yes	Additional mitigation commitments (FONSI Mitigation Commitments #55 and #56) have been added to address the redevelopment or relocation of the CDOT Maintenance Facility and potential relocation of water wells in the Project area. CDOT will conduct appropriate environmental review and clearances for these actions.
Noise	No	Not Applicable
Recreational Resources	Yes	Additional mitigation commitments (FONSI Mitigation Commitments #45-47) relating to public information, detours, and traffic control have been added to address temporary closures of the Scott Lancaster Memorial Trail. The mitigation commitment regarding the elimination of Clear Creek Access Point #5 (EA mitigation commitment #35), has been removed from the tracking spreadsheet because the CMGC Refined Preferred Alternative avoids this impact.
Section 4(f) Resources	No	Not Applicable
Socioeconomic Resources	No	Not Applicable
Threatened and Endangered Species	Yes	Additional mitigation commitments (FONSI Mitigation Commitments #69-70) have been added to proactively minimize impacts to potential Monarch butterfly habitat and protect pollinator habitat, including requirements related to reseeding disturbed area with native plant species in accordance with Procedural Directive 503.1.
Vegetation and Noxious Weeds	No	Not Applicable
Visual Resources	No	Not Applicable
Water Quality	Yes	An additional mitigation commitment (FONSI Mitigation Commitment #87) has been added to address impacts to water resources that could result from the introduction of mineralized materials in rock cut areas. Mineralized rock materials will be encapsulated or removed from the Project area to an

Resource	Change to Mitigation?	Summary
		appropriate disposal site to prevent the release of contaminants and migration into Clear Creek.
Wetlands and Aquatic Resources	No	An additional mitigation commitment (FONSI Mitigation Commitment #95) has been added that commits CDOT to the restoration of riparian areas and stream habitat improvements in the West and Central Sections of the Project in areas where the highway would be removed. These enhancements will require 404 permitting with USACE and Senate Bill 40 wildlife certification with CPW.
Wildlife and Aquatic Species	Yes	The mitigation commitment to provide new wildlife crossings along I-70 (EA mitigation commitment #84) has been removed from the tracking table, since this has been addressed through the advancement of the wildlife crossing Early Projects at Genesee and Empire. The mitigation commitment to consider opportunities for wildlife passage for carnivores and medium-sized fauna at the Johnson Gulch culvert (EA mitigation commitment #85) has been removed because the Project no longer impacts this culvert.

In addition to environmental mitigation measures, the TT has identified issues related to the core values, such as salinity effects on water quality and vegetation, which will be tracked through design and construction. As these issues are further investigated, additional mitigation measures may be included.

5.2 Ongoing and Unresolved Issues

The CMGC delivery process incorporates phased design and construction packages, which allows more time for consideration and design of some of the more complex Project elements. As described in Chapters 1 and 2, the Central Section has numerous physical constraints that must be considered and are expected to continue to present design and construction challenges. As a result, design on this section is expected to continue throughout 2023, and construction of most of those features would not begin until mid-2024. As noted in Section 2.5, through the CSS process, the PLT and TT will continue to track issues, additional geotechnical, floodplain, and hydrological information will be collected, and the design will be progressed. The TT will be involved in reviewing the ongoing design throughout the approximately 1.5-year final design phases and will continue to track and resolve issues in the CSS issues tracking spreadsheet. As the design evolves and issues are tracked, new impacts may be identified, and new mitigation may be required. CDOT will continue to reevaluate design changes and conduct formal and informal NEPA environmental reevaluations to document impacts and consider mitigation measures. Three specific issues are known and ongoing, all in the Central Section:

- Impacts to an NRHP-eligible archaeological site are expected, and CDOT will evaluate and document the extent of effects, develop a treatment plan, and complete a PA Supplement and implement the PA stipulations before any construction activities are initiated that could affect the site.
- The CDOT Maintenance Facility at the Hidden Valley/Central City interchange will be affected by the interchange and new frontage road construction. CDOT is evaluating options for the maintenance facility to be relocated or redeveloped. CDOT's right-of-way staff will assist with evaluating these options, and CDOT will conduct any additional environmental clearances, such as a reevaluation or separate environmental clearance, needed.
- Similarly, the two water wells located southeast of the Hidden Valley/Central City interchange along the Greenway trail may be impacted. These wells are owned by CDOT and Clear Creek County, and if affected, will require evaluation of impacts and additional environmental clearances.

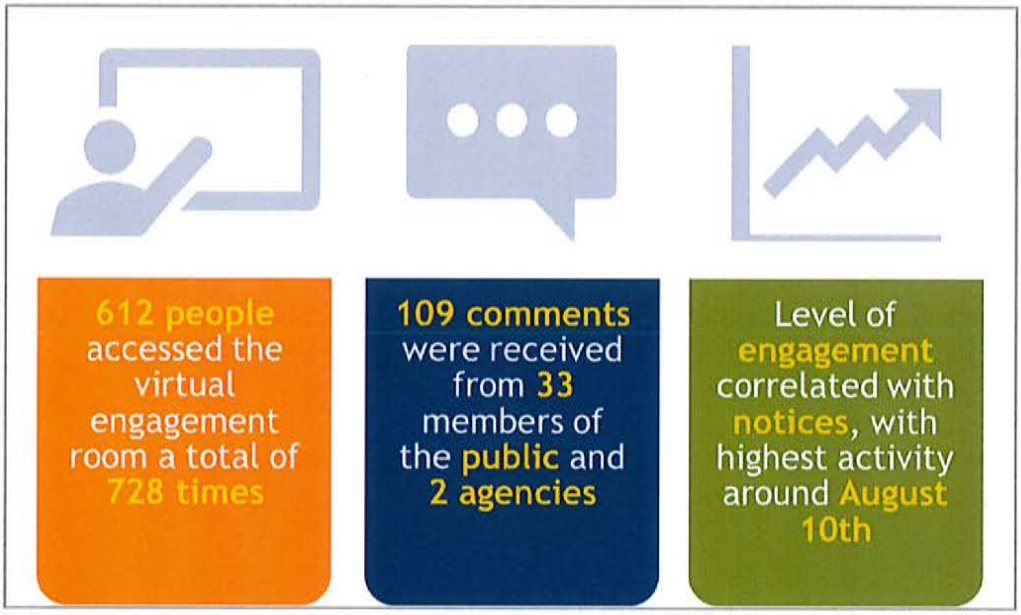
6.0 Public and Agency Involvement

Following the release of the EA, CDOT and FHWA invited agencies, community members, business owners, and stakeholders to a 60-day review and comment period. Virtual public engagement materials and a virtual meeting room were available to support the review of the EA and accept comments. Since the end of the comment period, the Project email and telephone hotline have been available, and CDOT has responded to many inquiries through both media.

6.1 EA Review

CDOT and FHWA announced the availability of the EA on August 2, 2021, and invited agencies, community members, business owners, and stakeholders to review the EA and submit feedback over a 60-day period, ending on October 1, 2021. To address health concerns surrounding the Covid-19 pandemic, CDOT developed virtual public engagement materials to support the review of the EA, Preferred Alternative, and other topics. As described in the *EA Virtual Engagement Summary Report* (February 2022) available on the Project website (https://www.codot.gov/projects/i70floydhill/public-outreach), the virtual engagement included a virtual meeting room with display boards, design layouts, videos, and opportunities to provide feedback. Emails and social media postings reminding the public about the EA review and comment period were sent to the distribution list on August 24, 2021, September 27, 2021, and October 1, 2021. Figure 17 summarizes key aspects of visitor participation throughout the 60-day comment period.

Figure 17. Overview of Visitor Participation in Virtual Meeting Room



6.2 EA Comments and Responses

Comments were received via email, US mail, and the online project comment form from the EPA, Clear Creek County, and 33 members of the public (Appendix C). As described in the *EA Virtual Engagement Summary Report*, public comments and questions focused on the Project alternatives and design elements, environmental and community impacts, traffic and operations, and safety. Comments from the EPA and Clear Creek County focused on alternatives development and environmental resources.

CDOT reviewed and considered all comments received and has worked with stakeholders, designers, and the CMGC to refine the Preferred Alternative to avoid environmental impacts, allow for easier construction, and provide cost-savings benefits. After the comment period, Project updates were sent out to all members on the email list, providing information on next steps and the start of the CMGC process.

6.2.1 Agency Comments

Both Clear Creek County and the EPA submitted written comment letters via email, included in Appendix C. Concerns or questions were raised about:

- Section 106 Eligibility for the segment of the Colorado Central Railroad in the Project area (5CC.427.1)
- Section 4(f) Eligibility for the Hidden Valley Open Space Area
- Air Quality
- Water Quality
- Mitigation Commitments
- Alternatives Development
- Express Lane operations

CDOT has worked closely with Clear Creek County throughout Project development, and Clear Creek County is a member of both the PLT and TT. The comments provided reflect this participation and reiterate concerns raised through the project development. CDOT met with Clear Creek County on December 17, 2021, to discuss their comments and how they would be resolved. Since this meeting, Clear Creek County has continued its active participation in the PLT, TT, and numerous ITFs. A county representative was an observer in the procurement process for the Construction Manager and Design Engineering services. Clear Creek County representatives have been important leaders in the CSS process, advocating for refinements and measures to address their concerns and represent the Project core values.

The EPA has also participated in CSS meetings and attended site visits in the corridor. A meeting was held with EPA on August 15, 2022, to discuss and resolve their comments ahead of the preparation of the FONSI. The EPA has also been engaged in Section 404 permitting discussions, which have progressed since the publication of the EA, as part of their responsibilities under the Clean Water Act.

Notes from the agency meetings are included in Appendix C. Section 6.3 describes the agency and public involvement during the CMGC process.

6.2.1.1 Clear Creek County Comments

Clear Creek County identified comments and concerns that needed to be addressed by the Project. Of primary concern to the county were disagreements about application of and compliance with Section 106 of the National Historic Preservation Act and Section 4(f) of the US Department of Transportation (DOT) Act. CDOT, FHWA, and Clear Creek met in December 2021 to discuss these overarching issues as summarized in the meeting notes included in Appendix C. The County has been an active participant in the CMGC design refinement process and raised other concerns outlined in their EA comments through this process.

Historic resources. Clear Creek County disagreed with CDOT's determination that the segment of the Colorado Central Railroad within the Project area is non-supporting to the overall resource. CDOT

stands by the finding of eligibility and effects for this segment of the railroad; the railroad is a historically significant resource overall, but the segment in the Project area is non-supporting to the overall resource, and the SHPO has concurred with the determination. While CDOT and the County disagree about the classifications and determinations, they agree that the EA Preferred Alternative did not affect these resources. Impacts of the CMGC Refined Preferred Alternative are described in Section 4.4.1.

Recreation Resources. Clear Creek County disagreed with the conclusion that the Hidden Valley Open Space is not a resource protected under Section 4(f) of the US DOT Act. FHWA clarified that under the Section 4(f) regulations, the open space is considered a multiple use property and is not protected as a Section 4(f) resource. The Project has assessed impacts to the Hidden Valley Open Space as a recreational resource, as described in Section 4.8 of the EA and Section 4.10 of this document. Throughout Project development, including in review of the CMGC design refinements, effects on Hidden Valley Open Space have been considered carefully to minimize impacts and support and integrate the recreational value of the property.

As with the disagreement over historic resource determinations, the County's comments are primarily directed toward the south frontage road option of the Tunnel Alternative, which was not selected for the Project. Regardless of the Section 4(f) designation, CDOT and the County have worked collaboratively through the CSS process to develop the Project in a manner that is compatible with and respectful of their collective project and land use goals and that would not restrict use of the Hidden Valley Open Space property. The CMGC Refined Preferred Alternative improves the recreational use of Clear Creek, Clear Creek Canyon, and surrounding open spaces by removing the highway from the floor of the canyon, reducing visual, noise, and safety conflicts, and improving creek and riparian areas. CDOT will continue to coordinate design of the Greenway and creek improvements through the CSS process to address recreational and other potential conflicts.

Air Quality. Clear Creek County is designated as "attainment/unclassifiable" for all National Ambient Air Quality Standards, which is EPA's standard designation for geographic areas that meet or are below standards for criteria air pollutants. Clear Creek County noted issues with lack of reliable air quality data in the corridor and with the EPA regulatory classification. The air quality analysis presented in the EA is based on the approved practices and guidance in accordance with the Clean Air Act requirements and procedures, which are based on regional air quality and standards.

CDOT acknowledges air quality is a concern locally and has worked with Clear Creek County to conduct additional monitoring and gather data more specific to the Project area. While the County indicated their understanding that the data from the existing monitors may provide limited value to regional modeling, they pointed out that the monitors have value in screening and communicating air quality conditions. In addition to these existing monitors, which have been in place less than 5 years, the Project includes additional air quality monitors and a process for reviewing and assessing data from those monitors within the regional context. CDOT has also prioritized reduction in air emissions and GHG emissions statewide and for the Project specifically. The contractor has committed to additional mitigation measures during construction to meet these goals as noted in Chapter 5 of this document.

Water Quality. The County noted concerns with increased salinity in both water and soil within the Project area attributed to the use of deicing agents for winter highway maintenance. Both the EA and the *Water Quality Technical Report* (CDOT, 2020) acknowledge these concerns and the relationship to highway maintenance. The County and CDOT also agree that the use of traction sand has adverse impacts to water quality, which were discussed extensively in the PEIS and SCAP, and return to this

practice is not recommended. As the Project design has evolved, effects of salinity and deicing practices continue to be important topics for discussion and will continue to be investigated throughout final design. The overall approach to water quality has not changed, though research suggests operational control measures, such as the rate, concentration, and methods of deicing application, are more effective than structural control measures, such as ponds. CDOT has committed to implementing mitigation measures outlined in Chapter 5 and will track this issue through the design as part of the overall CSS process and specifically with the SWEEP ITF.

Design Comments. The County questioned several issues with the conceptual design, noting that additional evaluation would be needed to consider impacts and design refinements. The CMGC evaluation process described in Chapter 2 has furthered the design and addressed some of these questions, including completely overhauling the design of the West Section to eliminate impacts to CR 314 and impacts of rock cuts and creek realignment through this section. The County has been heavily involved in the evaluation of design refinements and in the process of addressing ongoing issues in a collaborative and multidisciplinary way through the CSS process. The TT will continue to evaluate design refinements through final design and track issues through a CSS issue tracking matrix.

6.2.1.2 EPA Comments

Water Quality. EPA requested more detail on impacts to Clear Creek and requested CDOT follow the USACE Colorado Mitigation Procedures and use the CSQT to assess the functional loss from creek impacts and develop appropriate mitigation to offset the impacts.

During the comment resolution meeting, CDOT noted that Clear Creek impacts and restoration opportunities have changed due to design refinements identified during the CMGC process, although scope of impacts are similar, and the mitigation approach is the same as described in the EA. These impacts are described in more detail in Section 4.18. CDOT is conducting a CSQT analysis to quantify functional losses for Clear Creek and to support Clean Water Act Section 404 permitting. The SWEEP ITF has been involved in the review of revised stream impacts and restoration opportunities. Since the comment resolution meeting, EPA participated with the SWEEP ITF in a field review of Project stream and water quality impacts, mitigation opportunities, CSQT approach, and interdisciplinary discussions of the balance of recreation and environmental conditions.

Air Quality. EPA provided comments on the scope and timing of air quality monitoring in the project area, the relationship of Transportation Conformity to air quality impacts, and the need to use the current transportation plans to demonstrate Transportation Conformity. Most of the Project—all through Clear Creek County—is in an attainment area for national air quality standards. During the comment resolution meeting, CDOT provided information about the existing air quality monitors in the Corridor and the regulatory-grade monitors that will be installed prior to construction. Although non-regulatory instruments, the new monitors will provide regulatory-grade data on criteria pollutants and meteorological data in the Project area. These data will be provided to CDPHE for their analysis and use in understanding and communicating local air quality conditions.

Express Lanes. EPA asked questions regarding the performance of the proposed Express Lane in comparison to adding a new General Purpose Lane, the decision process for recommending an Express Lane, and the scope of eastbound I-70 improvements. During the comment resolution meeting, CDOT provided details about Express Lane performance and decision-making. As described in the meeting and in Section 3.3 of the EA, Express Lanes provide better trip reliability than General Purpose Lanes and implementing an Express Lane in the Project area provides continuity with the Mountain Express Lane

west of the Veterans Memorial Tunnels and is consistent with the I-70 Mountain Corridor ROD approved non-infrastructure improvements.

While the Express Lane would not likely be as used as a General Purpose Lane in off-peak periods, during peak periods, latent demand will continue to degrade General Purpose Lane operations. An Express Lane provides an opportunity for improved and consistent traffic flow as congestion increases in the future, improving both mobility and air quality. The Project team also explained that the Project Express Lane would be different than the Mountain Express Lanes, which operate on shoulders only during peak travel periods. The Project Express Lane will be a standard travel lane with a buffer between it and the adjacent General Purpose Lanes. A concept of operations plan will be developed during final design to refine design and operational details, such as the location of safety/enforcement pullouts and the location and length of transition areas from the existing General Purpose Lanes to the east and the Mountain Express Lanes to the west.

EPA expressed continued reservations regarding Express Lane operations compared to General Purpose Lane operations, citing several exhibits from the *Transportation and Traffic Technical Report* (CDOT, 2021) included with the EA. The report and analyses conclude that there is little difference between the volume of traffic processed, speeds, or congestion between the "3 General Purpose Lane" and "2 General Purpose plus Express Lane" alternatives, especially for the EA Preferred Alternative, the Canyon Viaduct Alternative. Additionally, the conclusions are based on the overall operation of the three highway lanes, either as three General Purpose Lanes or two General Purpose Lanes plus the Express Lane. In the Express Lane scenario, the two General Purpose Lanes would perform worse than the Express Lane, but the combined system would perform similarly to the three General Purpose Lanes and much better than the No Action. The Express Lane will always perform better than a General Purpose Lane because it is managed for travel time reliability.

Operations will not change for eastbound I-70. Between the Veterans Memorial Tunnels and US 6, the existing Express Lane constructed as part of the Twin Tunnels project will remain, and east of US 6, the three General Purpose Lanes will also remain. However, an approximately one-mile-long eastbound auxiliary lane between US 6 and approximately Homestead Road (the Hyland Hills/Floyd Hill interchange) will be constructed and connected to the new US 6 to eastbound I-70 movement to improve traffic operations and reduce conflicts with slow moving vehicles traveling uphill on Floyd Hill.

6.2.2 Public Comments

Most public comments recognized that improvements are needed on I-70. Some comments indicated general support for or opposition to the Project or to Project alternatives. These comments of general support or opposition are acknowledged but are not substantive comments that raise specific issues or concerns regarding the Project or EA process and thus do not require a specific response under NEPA. In responding to other comments, general themes were developed, and responses to those themes are provided below.

6.2.2.1 Theme: Project Design Elements

Some comments provided suggestions and questions about specific Project design elements and questions about the proposed design. Suggestions included widening the highway to four or five lanes in each direction, eliminating the tolled Express Lane from the Project, removing the curve in the highway at the bottom of Floyd Hill, including ramp metering (timed entry) at on-ramps to I-70, and constructing a runaway truck ramp at the bottom of Floyd Hill. Questions were received about the Project's ability to adequately address current and future traffic congestion.

6.2.2.2 Comment Responses

The Floyd Hill Project is a Tier 2 NEPA process that will complete the specific highway improvement commitment from the ROD for a six-lane highway between Floyd Hill and Veterans Memorial Tunnels. The Project addresses a specific location of congestion and safety needs but additional multimodal improvements, as outlined in the ROD, are needed to address travel issues along the I-70 Mountain Corridor. As described in Section 3 of the EA, the addition of a third westbound travel lane will address the bottleneck effect caused by three lanes of westbound traffic merging into two lanes of traffic at the top of Floyd Hill, a primary source of traffic congestion at this location, and will substantially reduce travel times and the duration of congestion on I-70 in comparison to the No Action Alternative. During the final design process, CDOT has continued to work with stakeholders, designers, and the CMGC to refine the design to avoid environmental impacts, allow for easier construction, and provide cost-savings benefits.

As described in Section 3.3 of the EA, the Colorado Transportation Commission's Policy Directive 1603.0 requires CDOT to strongly consider managed lanes (including tolled Express Lanes) during planning and development of highway capacity improvement projects. This policy is based upon the understanding that it is not possible to build enough capacity to meet peak demand with general purpose lanes and that we cannot build our way out of congestion issues. An Express Lane meets the Purpose and Need of this Project for travel time reliability, reducing traffic congestion, and improving traffic operations, while fitting with the larger context of the Corridor and tying in with the I-70 Mountain Express Lanes just west of the Project's boundaries. Data from the I-70 Mountain Express Lanes operations to date demonstrates that managed Express Lanes are a reliable option that improve travel times and maintain consistent speeds for all drivers and are not cost-prohibitive.

A curve at the bottom of Floyd Hill will remain. However, realigning the curve to meet current design standards for sight distance and a 55-mile-per-hour vehicle speed, will improve traffic operations and safety, as described in Section 3.5 of the EA.

Ramp metering (timed entry from on-ramps to I-70) is not part of the Project but can be implemented in the future if warranted.

The Project includes elements to reduce speed conflicts for trucks and other slow-moving vehicles, but a runaway truck ramp was not considered. Neither the PEIS nor safety analysis conducted for the Project suggested a need for a runaway truck ramp at this location. The *Safety Assessment Report* (CDOT, 2018) evaluated crashes in the corridor and concluded that the presence of trucks on the downgrade caused conflicts with faster moving vehicles, which contributed to crashes, but data do not indicate trucks are traveling at excessive speeds on the westbound downgrade or that brake failure is a concern.

6.2.2.3 Theme: Environmental Impacts

Most public comments received from the EA public engagement process concerned the Project's impacts to environmental and community resources. Nearby residents in the Floyd Hill neighborhood are concerned about construction impacts on their communities, including noise pollution, light pollution, and air quality and wanted more information about the mitigation commitments provided for local communities. Commenters also asked for more information about the construction start date, duration, and daily schedule.

Commenters are also concerned about how the Project will impact the Clear Creek watershed, the unique visual character of the I-70 Mountain Corridor, and regional air pollution.

6.2.2.4 Comment Responses

Construction of the Floyd Hill Project is expected to take place in four packages, beginning in 2023 and being substantially complete in 2027 (see Section 3.1). It is currently anticipated that construction will occur mostly during the day, with some work overnight as necessary. CDOT advanced several Early Projects to improve local mobility and safety that will be completed by 2024 (see Section 3.2).

CDOT is developing a communications plan and engaging a Public Information Leadership Team to provide information and communicate construction milestones. The communication will be tailored to residents and other travelers, and the Project email and hotline will be available for any questions or concerns about the construction schedule and activities.

In the long term, the Project is expected to have notable improvements to traffic congestion, safety, air quality, water quality, riparian habitat, recreation, and wildlife connectivity within the Project area. A review of the potential and expected impacts was included in Chapter 4 of the EA, and mitigation commitments are listed in Appendix B of the EA. The impacts and mitigation of the CMGC Refined Preferred Alternative are described in Chapters 4 and 5 of this document.

Noise Impacts and Mitigation. As described in Section 4.7 of the EA and Section 4.10 of the FONSI, traffic noise from the EA Preferred Alternative and CMGC Refined Preferred Alternative would remain below federal and state impact thresholds for commercial areas and most residences areas near Floyd Hill. In Idaho Springs, a noise wall west of the Veterans Memorial Tunnels is recommended to mitigate highway noise that exceeds noise abatement criteria. The Preferred Alternative will elevate I-70 from the canyon floor and away from Clear Creek and the Greenway Trail, which is expected to notably decrease highway traffic noise at these recreational areas in the long-term.

Temporary, intermittent increases in noise will take place during construction, and Mitigation Measures #27-33 in Appendix B of the EA address noise impacts during construction and after completion of the Project.

Air Quality Impacts and Mitigation. As described in Section 4.1 of the EA and Section 4.4 of the FONSI, CDOT has coordinated with CDPHE APCD, which has confirmed conclusions that the Project would not cause or contribute to any new violations or increases to any existing violations to state or federal air quality standards. The Project will install two new air monitors along I-70 that will provide regulatory-grade air quality data that will be published and monitored by CDPHE. The Project will comply with the requirements of CRS 43-1-128, which was enacted in 2021 as described in Section 3.3 of the FONSI.

Additional air quality analysis, described in the *I-70 Floyd Hill to Veterans Memorial Tunnels State Air Quality Analysis Report*, found that the EA Preferred Alternative would improve overall air quality in comparison to the No Action Alternative due to Project elements that will decrease congestion, improve speeds on I-70, improve service at interchanges, and provide a multimodal, non-vehicular travel option through the Project area with the Greenway bike and pedestrian trail.

Temporary increases in dust and particulate matter will occur during construction, and Mitigation Measures #1-8 in Appendix B of the EA address these impacts.

Visual Resources Impacts and Mitigation. As part of the Project's context sensitive design, the Preferred Alternative will facilitate safe and efficient local and regional travel while preserving the character of the natural and physical environment, small mountain-town aesthetics, and historical features that provide the unique beauty of the I-70 Mountain Corridor. The Project will adhere to the

I-70 Mountain Corridor Aesthetics Guidance (CDOT, 2015) and the *I-70 Mountain Corridor Engineering Design Criteria* (CDOT, undated). As described in Section 4.13 of the EA and Section 4.16 of the FONSI, visual impacts were carefully considered in Project development. The CMGC Refined Preferred Alternative was chosen largely because of its ability to fit within Clear Creek Canyon with the least environmental impact, the least physical alteration to the natural landscape, and the ability to preserve mountain views on I-70, as well as its ability to best meet the design and aesthetic guidelines for the I-70 Mountain Corridor. Elevation of I-70 from the canyon floor and removal of existing highway infrastructure and riparian enhancements would have positive visual impacts for users of Clear Creek and the Greenway trail by restoring the surrounding natural environment. Specific practices and mitigation commitments for visual resource impacts are outlined in Mitigation Measures #62-68 Appendix B of the EA.

Water Quality Impacts and Mitigation. As described in Section 4.14 of the EA and Section 4.17 of the FONSI, the primary concern for water quality in Clear Creek is runoff from sediment and chlorides used for winter roadway maintenance on I-70. The CMGC Refined Preferred Alternative includes numerous control measures, including water quality basins and ditches designed to filter out sediments and metals from highway runoff before they enter the Clear Creek watershed. CDOT, in coordination with the SWEEP ITF, has found that the Project would effectively capture and treat substantially more runoff than existing conditions along the interstate. Elevating I-70 would also provide space in the canyon for riparian restoration surrounding Clear Creek.

During final design, CDOT is using the Colorado Stream Quantification Tool (CSQT) to quantify anticipated stream impacts and determine permitting requirements under the Clean Water Act Section 404, as described in Section 4.18 of the FONSI. Mitigation Measures #69-73 in Appendix B of the EA concern actions to be taken to mitigate the Project's impact on water quality.

6.2.2.5 Theme: Local Traffic Operations

Several comments were received asking how the proposed Project will address traffic congestion and local traffic operations in the Floyd Hill area and how the Project's construction will impact local access and regional travel.

6.2.2.6 Comment Responses

CDOT recognizes that local circulation in the Floyd Hill area is a major concern for residents. Traffic on US 6 and US 40 is often influenced by regional travelers who divert to US 40 or US 6 when there is delay on I-70. The Project will improve traffic operations and congestion on I-70 by removing the bottleneck on I-70 at Floyd Hill, increasing capacity on I-70, updating aging infrastructure, flattening curves, and improving sight lines for drivers. By improving traffic conditions on I-70, drivers will be less incentivized to travel on US 6 or US 40, improving local circulation at the primary point of access to the Floyd Hill neighborhood, which will also be improved by the Project with roundabout intersections on US 40 at CR 65 and Homestead Road, which were advanced as an Early Project to provide near-term improvement to local traffic flow in the early phases of construction. The new frontage road extension of US 6 will also improve connectivity in the Project area by providing an additional route for access and emergency egress.

During construction, CDOT commits to working with local jurisdictions and public information officers to develop a public information plan and traffic management plan to deliver important construction information to residents and businesses near the Project area, as well as the traveling public. Mitigation Measures #48-51 in Appendix B of the EA detail measures being taken to address traffic during construction.

6.2.2.7 Theme: Safety

Several comments questioned how the Preferred Alternative will address safety concerns such as winter maintenance for snow and ice on the viaduct and local access and emergency response.

6.2.2.8 Comment Responses

CDOT has considered winter roadway maintenance and the potential for ice accumulation on the viaduct structure. As noted in Section 4.14 of the EA and Section 4.17 of the FONSI, CDOT will use deicers as part of winter maintenance activities, which will address ice and snow accumulation on the viaduct. This is an issue that is included in the CSS issue tracking and will continue to be evaluated through the design, construction, and maintenance phases of the Project.

The Project will improve emergency egress conditions in the Floyd Hill neighborhood by removing congestion at the US 40 intersections with CR 65 and Homestead Road, making evacuation easier. In addition, the new frontage road in Clear Creek Canyon will improve connectivity in the Project area and provide an additional route for emergency access. The Greenway trail improvements are also being designed to maintain and improve access for fire and emergency response through the Hidden Valley Open Space property.

6.3 Public and Agency Involvement since the EA was Published

CDOT has updated the Project website with information on the design refinements, including interactive computer models (Lumen models) of the refined design, and a summary of the major innovations described in this report.

The Project website provided up-to-date information as the Project evolved, and the Project email and telephone hotline were available throughout the Project development and fielded numerous inquiries. Project updates were also sent to the Project email subscribers (more than 2,200) at milestones in the design refinement process. CDOT also briefed local organizations on the design refinements and other Project updates. Comprehensive updates to the Project website were initiated in March, September, November, and December 2022. More routine updates, including posting of meeting materials and monthly updates, were conducted throughout the CMGC design refinement process.

Table 4 summarizes the CSS meetings, project update presentations, email updates, and other outreach conducted after the EA release. Including outreach conducted during the EA, as summarized in Exhibit 5-1 of the EA, CDOT held more than 100 Project meetings and events, in addition to numerous notifications through email blasts, postcards, and website updates. The recent outreach focused on design modifications for the CMGC Refined Preferred Alternative and other Project updates, such as the CMGC procurement and funding updates. Table 4 summarizes these efforts after the release of the EA. Appendix A contains meeting notes from the PLT, TT, and ITF meetings referenced in Table 4.

Table 4. CSS, Public, and Agency Meetings and Outreach during the CMGC Process

Activity	Date	Topic
Email blast	8/2/2021	Notice of EA availability and virtual public engagement
Email blast	8/24/2021	Project update
Email blast	9/27/2021	EA comment period reminder
Email blast	10/1/2021	Notice to industry regarding contracting for the CMGC procurement

Activity	Date	Topic
Colroado Transportation Commission meeting	11/18/2021	Project status update
Colroado Transportation Commission meeting	1/19/2022	Project status update
Email blast	2/23/2022	Floyd Hill roundabouts and parking project update
PLT meeting	3/14/2022	Discussion of CSS Process, Context Statement, Core Values and Critical Success Factors, PLT and TT membership, potential ITFs, and draft schedule
PLT meeting	4/6/2022	PLT Charter, confirm TT and ITF representatives, Critical Success Factors, Project Information Leadership Team, and Early Projects
TT meeting	4/15/2022	TT Charter, TT roles and responsibilities, Innovation Evaluation process, evaluation criteria and Measures of Success
TT meeting	4/29/2022	Confirm ITFs, review of CSS flowchart, introduction of Major Alignment Innovations for Central and West segment, review Measures of Success, confirmation of section limits
Colorado Transportation Investment Office Board of Directors meeting	5/5/2022	Project update
Idaho Springs City Council presentation	5/9/2022	Project update
TT meeting	5/13/2022	Review of the Preferred Alternative and Major Alignment Innovations for the Central Section (recreation and emergency response) and Measures of Success, discussion of Hidden Valley Open Space Park, and review of Section Alignment Innovations and Stakeholder Perspectives
ITF meeting	5/24/2022	Central Section Innovations
TT meeting	5/27/2022	Review of West Section Alignment and Central Section evaluation matrix
ITF meeting	6/6/2022	West Section Innovations
Maintenance ITF meeting	6/8/2022	Review of design innovations and discussion of maintenance issues and concerns
TT meeting	6/10/2022	TT's recommendations for Central Section Alignment, review of West Section Major Alignment Innovations Middle Option and North Option) and ITF recommendations
Emergency Response ITF meeting	6/17/2022	Design innovations update and input on maintenance issues with design options, particularly related to snow plowing and deicing
TT meeting	6/24/2022	Central and West Section Major Alignment Updates, update on Emergency Response and Maintenance ITFs, and introduction of East End (of Central Section) Innovations
ITF meeting	7/1/2022	Evaluation of Hillside and On-Ramp Innovations
TT meeting	7/8/2022	Discussion of "Bottom of the Hill" Alignment (Central Section) and WB US 6 On-Ramp Options
I-70 Coalition quarterly meeting	7/14/2022	Project update, review of design refinements
TT meeting	7/22/2022	Review of "Narrows Section" Innovations (connect Bottom of the Hill and Terraced Bridges); evaluation of WB US 6 On-Ramp Innovations

Activity	Date	Topic
SWEEP ITF meeting	7/25/2022	Project updates, roles and responsibilities of SWEEP, and updates on impacts and mitigation approaches
Board of Clear Creek County Commissioners meeting	8/2/2022	Project update, review of design refinements
TT meeting	8/5/2022	Confirmation of innovations made to date, West Saddle Area refinement (to move EB I-70 to the south side of the creek and on grade through open space area), WB on-ramp discussion and discussion of Aesthetic Guidelines
ITF meeting	8/12/2022	Evaluation of Central Section West Saddle (Braid) Refinement
Greenway ITF meeting	8/18/2022	Site Visit
SWEEP ITF meeting	8/26/2022	Site Visit
TT meeting	9/2/2022	Evaluation of Creek and Greenway impacts to inform future design
PLT meeting	9/16/2022	Review TT recommendations for CMGC Refined Preferred Alternative, discuss public involvement process, and review next steps
National Public Lands Day booth	9/24/2022	Project information at Clear Creek Trail Cleanup event
I-70 Collaborative Effort meeting	9/28/2022	Project update, review of design refinements
PLT meeting	10/14/2022	Review post-NEPA design process, discuss and recommend public information practices
TT meeting	10/14/2022	Review aesthetic guidelines, discuss bridge and wall aesthetics, review inventory of Greenway and creek data
SWEEP member site visit	10/17/2022	Site visit to discuss potential recreational conflicts with creek access, particularly fishing and rafting
Groundbreaking	10/19/2022	Public and media event to commemorate the groundbreaking of the US 40 roundabouts and Genesee wildlife crossing Early Projects
TT meeting	10/28/2022	Continue review of structure and Greenway elements, introduce rock cut and retaining wall requirements in East Section
Email blast	11/08/2022	Project update and notice of additional website content describing the design innovations for the CMGC Refined Preferred Alternative
Mailed postcards	11/08/2022	Project update and notice of additional website content describing the design innovations for the CMGC Refined Preferred Alternative
TT meeting	11/11/2022	Continued discussion of aesthetics, including shade study and sound wall; East Section retaining wall, rock cut, drainage elements
Idaho Springs City Council	11/14/2022	Project update, review of design refinements
TT meeting	12/02/2022	Continued discussion of East Section retaining wall aesthetic treatments

Appendix A. Design Innovations Evaluation and CSS Decision Making Process for the CMGC Refined Preferred Alternative

Appendix B. Mitigation Tracking Spreadsheet

Appendix C. Public and Agency Comments

Appendix D. I-70 Floyd Hill To Veterans Memorial Tunnels Environmental Assessment and Appendices

Provided Digitally: Environmental Assessment – Colorado Department of Transportation (https://www.codot.gov/projects/i70floydhill)

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Resolution No. 2, Series 2024

A RESOLUTION CONDITIONALLY APPROVING A 1041 PERMIT FOR DEVELOPMENT IN AN AREA OR ACTIVITY OF STATE INTEREST WITHIN THE CITY OF IDAHO SPRINGS FOR CERTAIN IMPROVEMENTS RELATED TO THE WESTERN PORTION OF THE COLORADO DEPARTMENT OF TRANSPORTATION INTERSTATE 70 (I-70) FLOYD HILL TO VETERANS MEMORIAL TUNNELS PROJECT

WHEREAS, the City of Idaho Springs, Colorado ("City"), acting by and through its City Council, reaffirms its intent to have and maintain the Idaho Springs Regulations for Areas and Activities of State Interest ("1041 Regulations"), codified as Chapter 25 of the Idaho Springs Municipal Code ("Code"); and

WHEREAS, the City Council received an application from the Colorado Department of Transportation ("CDOT") for development in an area or activity of state interest related to improvements associated with the western portion of the ongoing Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels project (the "Application"); and

WHEREAS, the Application proposes work consisting of adding a third westbound travel lane, which would operate as a full-time Express Lane; constructing a missing two-mile section of frontage road between US 6 at Exit 244 and Central City Parkway/Hidden Valley at Exit 243; adding an eastbound auxiliary lane to reduce conflicts with slow-moving freight and other vehicles in the uphill section of Floyd Hill from US 6 at Exit 244 to Homestead Road at Exit 247; reconstructing highway interchanges at US 6 (Exit 244) and Central City Parkway/Hidden Valley (Exit 243), flattening horizontal curves, replacing deficient bridge structures, and implementing surface and Americans with Disabilities Act improvements to the Clear Creek Greenway to increase traveler safety; and implementing environmental mitigation to enhance wildlife connectivity, air and water quality, stream conditions, and recreation; all as further detailed and specified in the Application (the "Specified Improvements"); and

WHEREAS, after due and proper notice as required by Code Section 25-49, the City Council conducted a public hearing on the Application on February 12, 2024, at which all interested parties were given the opportunity to be heard; and

WHEREAS, after considering all of the evidence and testimony presented, the City Council wishes to conditionally approve the Application, as further set forth herein.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Idaho Springs, Colorado, as follows:

Section 1. The above and foregoing recitals are specifically incorporated herein as findings and determinations of the City Council.

Section 2. The City Council hereby conditionally approves an application for development in an area or activity of state interest within the City of Idaho Springs from the

Colorado Department of Transportation for the Specified Improvements, on the following terms and conditions:

1. The intergovernmental agreement between CDOT and the City of Idaho Springs related to the repair of any City wastewater plant facilities damaged during blasting or construction on this project and any subsequent phases remains in effect.

2. Attractive landscaping shall be provided in proximity to the Exit 241 and Exit 244 Interchanges to ensure that visual impacts in these areas are minimized and mitigated.

3. Installation of a sound wall near the Exit 241 interchange requires additional review and approval by the City of Idaho Springs under Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code. CDOT will be required to submit a new application package before undertaking any work associated with a proposed sound wall.

4. Proposed work in the Hidden Valley / Central City interchange area requires further review and approval by the City of Idaho Springs under Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code. CDOT will be required to submit a new application package before undertaking any work associated with improvements in the Hidden Valley area other than that work considered as part of this review for the Western portion of the project.

Section 3. The approval issued hereunder is based upon a finding that the Application satisfies the applicable requirements of Articles III and VI of Chapter 25 of the Idaho Springs Municipal Code, upon satisfaction of the conditions set forth in Section 2 hereof. As its findings and conclusions in this regard, the City Council hereby adopts the City Council Communication presented by Dylan Graves, Community Development Planner, dated for the February 12, 2024 meeting date, "Western Portion I-70 Floyd Hill to Veterans Memorial Tunnels Project: 1041 Review."

Section 4. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, the intention being that the various sections and provisions are severable.

ADOPTED AND APPROVED this 12th day of February, 2024.

CITY OF IDAHO SPRINGS

By: _____
Chuck Harmon, Mayor

ATTEST:

By:_____
Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
County of Clear Creek
State of Colorado

Ordinance No. 6, Series 2024

AN ORDINANCE APPROVING THE CONDITIONAL CONVEYANCE OF PROPERTY KNOWN AS LOT 3 OF THE BLOCK 57/FORMER GOLDDIGGER FIELD SUBDIVISION

WHEREAS, pursuant to C.R.S. § 31-15-713(1)(b), the City Council ("Council") for the City of Idaho Springs, Colorado (the "City") possesses the authority to sell and dispose of, by ordinance, City-owned real property; and

WHEREAS, the former owner of that property known as Lot 3 of the Block 57/Former Golddigger Field Subdivision, Idaho Springs, Clear Creek County, State of Colorado (the "Property") conveyed that parcel to the City by general warranty deed, dated December 21, 2023, and recorded on December 27, 2023 in the real estate records of Clear Creek County, Colorado at Reception No. 311550; and

WHEREAS, 2350 Riverside Drive, LLC ("Riverside") is now the record owner of the Property and is actively engaging in the development of the Property and its larger project area in accordance with approvals obtained from the City, specifically including Planned Development (PD) zoning, a subdivision plat and a Final Development Plan (FDP); and

WHEREAS, as required by said development approvals, the Property must be developed into a park; and

WHEREAS, Riverside has designed, planned and budgeted for the construction of said park and is ready to begin work on the same in the near future; and

WHEREAS, the City and Riverside agree that both parties would benefit from Riverside owning the Property for the period of time that Riverside engages in construction activities thereon, such benefits flowing from issues such as insurance costs, ownership liabilities and Riverside's familiarity with the environmental regulations applicable to the Property and the potential involvement of EPA and State agencies concerning the same; and

WHEREAS, the Council therefore finds that it is beneficial to temporarily and conditionally convey the Property to Riverside for the sole purpose of permitting Riverside to own the Property while it constructs the park thereupon, after which Riverside will convey the Property once again back to the City; and

WHEREAS, the Council therefore desires to approve the conveyance of the Property as further set forth in the deed and agreement attached to and approved by this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Idaho Springs, Colorado as follows:

Section 1. The above and foregoing recitals are hereby adopted as findings and determinations of the City Council and are incorporated herein by reference.

Section 2. Deed Approved. Subject to Section 3 hereof, the City Council hereby approves the conveyance of Lot 3 of the Block 57/Former Golddigger Field Subdivision, Idaho Springs, Clear Creek County, State of Colorado, and more particularly described in the General Warranty Deed attached hereto and incorporated herein by this reference (the "Deed"), to 2350 Riverside Drive, LLC. The Mayor and the City Clerk are authorized to execute and deliver the Deed and any other documents reasonably necessary or convenient to effectuate the intent of the Deed, in accordance with the terms of this Ordinance.

Section 3. Condition: Agreement to reconvey the parcel to the City. The approval granted under Section 2 above is contingent upon the City's receipt of the Conveyance and Development Agreement attached hereto and incorporated herein by this reference, fully executed by Riverside. The City Council approves said Agreement and, upon receipt of the same executed by Riverside, approves the execution of the same by the Mayor and City Clerk. Riverside's failure to execute and deliver the Conveyance and Development Agreement to the City by March 1, 2024, shall render the approval granted by this Ordinance null and void without any further Council action. Notwithstanding Section 2 above, the Mayor and Clerk shall not execute and deliver the Deed to Grantee unless and until this condition is satisfied.

Section 4. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 12th day of February, 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after publication at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the __ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

GENERAL WARRANTY DEED

THIS DEED is made this ____ day of February, 2024 between THE CITY OF IDAHO SPRINGS, COLORADO, a Colorado municipal corporation with an address of 1711 Miner St, Idaho Springs, CO 80452 ("Grantor") and 2350 RIVERSIDE DR LLC, a Colorado limited liability company with an address of 345 Lincoln Ave #206, Steamboat Springs, CO 80487 ("Grantee"). Collectively, Grantor and Grantee may be referred to as the "Parties."

WHEREAS, Grantee previously conveyed to Grantor that real property, together with improvements, if any, situate in the County of Clear Creek, State of Colorado, more particularly described on **Exhibit A**, attached hereto and fully incorporated herein by this reference (the "Property"); and

WHEREAS, said conveyance was done in accordance with terms of approval of the development of property known as the Former Golddigger Field Subdivision and was recorded on December 27, 2023 with the Clear Creek County property records at Reception No. 311550; and

WHEREAS, Grantee has requested Grantor to temporarily convey the Property back to Grantee for purposes of Grantee's development of the Property, to which Grantor agreed, with the Parties' express intent and understanding being that the Grantee will once again convey the Property back to Grantor after said development is completed.

NOW, WITNESSETH, that Grantor for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the delivery, receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, the real property, together with improvements, if any, situate in the County of Clear Creek, State of Colorado, more particularly described on **Exhibit A**, attached hereto and fully incorporated herein by this reference (the "Property").

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in and to the Property with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances, unto Grantees, their successors and assigns forever. Grantor, for herself and her successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of ensealing and delivery of these presents, she is well seized of the Property, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except for taxes for the current year, a lien but not yet due and payable;

easements, restrictions, reservations, covenants, and rights-of-way of record, if any; and any lien or encumbrance created by action of Grantee.

Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has hereto executed this Deed as of the day first above written.

GRANTOR:

CITY OF IDAHO SPRINGS, COLORADO

_____
Chuck Harmon, Mayor

ATTEST:

_____
Diane Breece, City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Chuck Harmon as Mayor and by Diane Breece as City Clerk of the City of Idaho Springs, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year herein above written.

(SEAL)

_____
Notary Public

EXHIBIT A

Lot 3 of Block 57/Former Golddigger Field Subdivision,

City of Idaho Springs, County of Clear Creek, State of Colorado

CONVEYANCE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered as of this ___ day of _____ , 2024, by and between the City of Idaho Springs, Colorado, a municipal corporation (hereinafter "the City") and 2350 Riverside Drive, LLC, a Colorado limited liability company (hereinafter "Owner").

WHEREAS, Owner owns certain real property within the City of Idaho Springs, Colorado better known as the Block 57/Former Golddigger Field Subdivision, Idaho Springs, Clear Creek County, State of Colorado (the "Property"), recorded at Reception No. _____ of the property records of Clear Creek County, Colorado; and

WHEREAS, within the Property is a parcel that must be put to future use as a public park, said parcel known as Lot 3 of the Block 57/Former Golddigger Field Subdivision (the "Park Parcel"); and

WHEREAS, accordingly, the Owner's predecessor, Four Points Funding, LLC, conveyed the Park Parcel to the City by general warranty deed, dated December 21, 2023, and recorded on December 27, 2023 in the real estate records of Clear Creek County, Colorado at Reception No. 311550; and

WHEREAS, the Owner is now actively engaged in the development of the Property in accordance with approvals obtained from the City related to the same, specifically including Planned Development (PD) zoning, a subdivision plat and a Final Development Plan (FDP); and

WHEREAS, as a part of the planning, engineering, budgeting and projected construction of the Property, the Owner included the Park Parcel; and

WHEREAS, the City and the Owner agree that the Owner should complete the physical development of the Park Parcel, due to not only the inclusion of the same in the Owner's plans and budget, but to the Owner's knowledge and expertise concerning the environmental implications of developing the Property and the approvals obtained by the Owner from the Colorado Department of Public Health and Environment and the Environmental Protection Agency; and

WHEREAS, the Parties therefore agree that it would be mutually beneficial if the Owner owned the Park Parcel during the time that the same is developed by the Owner, after which the fully developed Park Parcel would be reconveyed to the City; and

WHEREAS, Owner and the City wish to memorialize their mutual understanding and commitment concerning the conveyance and development of the Park Parcel, as further set forth herein.

NOW, THEREFORE, Owner and the City agree as follows:

1. Development of the Park Parcel. Consistent with the approvals obtained from the City by the Owner's predecessor-in-interest for the zoning, use and development of Block

57/Former Golddigger Field Subdivision, the Owner shall develop Lot 3 of said subdivision (the Park Parcel) as a City park.

2. Conveyance Obligations.

a. Contemporaneously with the approval and execution of this Agreement by both parties, or as soon thereafter as practical, the City shall convey the Park Parcel to the Owner by general warranty deed.

b. Within thirty (30) days of the public improvements constructed within the Park Parcel by the City and the City's acceptance of the same, the Owner shall convey the Park Parcel back to the City by general warranty deed.

c. Each conveyance shall be promptly recorded in the property records of Clear Creek County, Colorado, at the Owner's expense.

3. Breach; Remedies. The Parties agree that a breach of the conveyance obligations set forth in Section 2 hereof is a material breach, and that, in the event of such breach, as determined by a court of competent jurisdiction, the non-breaching Party shall be entitled to specific performance, liquated damages in the amount of One Thousand Dollars ($1,000.00) per day that a conveyance obligation is overdue, as well as reasonable attorneys' fees and costs.

4. General Provisions.

a. Time of the Essence. Time is of the essence in the performance of this Agreement.

b. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

c. Governing Law; Venue. This Agreement shall be governed by, and enforced in accordance with, the laws of the State of Colorado. Venue for any legal action concerning the same shall be in Clear Creek County, Colorado.

d. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

e. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement.

f. No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any person shall be made, or be valid against the City or Owner.

g. Runs with Property. This Agreement shall run with the Property and shall apply to the same regardless of who owns the Property.

h. Governmental Immunity. The City, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., as amended, or otherwise available to the City and its officers or employees.

i. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Owner have executed this Agreement on the day and year first above written.

OWNER:

_____

By: _____

Name - Title

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this __ day of _____, 20____, by _____.

My commission expires: Witness my hand and official seal

Notary Public

CITY OF IDAHO SPRINGS, COLORADO

_____

Chuck Harmon, Mayor

ATTEST:

_____

Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
WATER ACTIVITY ENTERPRISE
Clear Creek County, Colorado

Ordinance No. 1, Series 2024

AN ORDINANCE AMENDING RATES AND CHARGES FOR WATER AND SEWER SERVICE AND MAKING CONFORMING AMENDMENTS TO THE IDAHO SPRINGS MUNICIPAL CODE

WHEREAS, pursuant to Chapter 12 of the Idaho Springs Municipal Code ("Code"), the City maintains its water and wastewater facilities as an enterprise known as the Idaho Springs Water Activity Enterprise (the "Enterprise"); and

WHEREAS, the City Council, acting as the governing body of the Enterprise, periodically reviews the rates and charges imposed for water and sewer services and evaluates the adequacy of the same to provide safe and reliable service to existing and projected future users; and

WHEREAS, voters approved on November 8, 2022 City Ballot Question 2B to enact a one percent (1%) sales tax increase to be fully dedicated to water and wastewater improvements and to reduce the impact of rate increases on users; and

WHEREAS, as a result of this new sales tax effective January 1, 2023, its annual review and evaluation, and in accordance with the recommendations of the Water and Wastewater Financial Plan, Cost of Service and Rates presentation previously provided to City Council by JVA Consulting Engineers and Raftelis Financial Consultants, the Council finds that a proposed six percent (6%) increase in water rates may be reduced to three percent (3%) and a proposed six percent (6%) increase in sewer rates may be reduced to two percent (2%) in 2024 to reasonably and responsibly keep pace with the projected demands on the City's water and sewer systems; and

WHEREAS, the Council therefore wishes to amend the Code to implement such increases and changes, as further set forth herein; and

WHEREAS, the Council finds and determines that the rate and charge increases enacted by this Ordinance are a fair, equitable and non-discriminatory means of raising sufficient revenues to pay the costs of providing service to customers of the Enterprise.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Idaho Springs, acting also as the governing body of the Enterprise, as follows:

Section 1. The above and foregoing recitals are expressly adopted as findings of the City Council.

Section 2. Subsections (B) and (C) of Section 12-122 of the Code are hereby amended as follows:

(B) The consumption charge is based upon the amount of water taken during the billing period, as shown by the meter. The consumption charge for all services, prorated to the date of meter reading, is an amount set forth below.

Customer Class	Charges per Thousand Gallons	
	Inside City & Chicago Creek	*Outside City Limits*
Residential Tier 1 (0 to 10,000 gallons)	~~$5.14~~ $5.29	~~$10.28~~ $10.59
Residential Tier 2 (10,001 to 30,000 gallons)	~~$6.44~~ $6.63	~~$12.84~~ $13.23
Residential Tier 3 (Over 30,000 gallons)	~~$7.71~~ $7.94	~~$15.42~~ $15.88
Commercial (per 1,000 gallons)	~~$8.61~~ $8.87	~~$17.20~~ $17.72
Municipal (per 1,000 gallons)	~~$10.53~~ $10.85	n/a

(C) The bimonthly service charge is based upon the size and type of the meter and applies to all services connected to the City system at any time during the billing period. The bimonthly service charge for all services (not including fire services) is an amount set forth below, multiplied by the multiplier established for such premises pursuant to Section 12-61 of this Chapter. The bimonthly service charge shall be imposed upon each active tap regardless of whether any water is taken from the City system during the billing period.

Bi-Monthly Base Rate	*Inside City & Chicago Creek*	*Outside City*
Residential	~~$80.44~~ $82.85	~~$160.88~~ $165.71
Commercial	~~$123.75~~ $127.46	~~$247.48~~ $254.90

Section 3. Subsections (B) and (C) of Section 12-182 of the Code are hereby amended as follows:

(B) The volumetric use charge is based upon the water consumption for each service. During the months of November of one (1) year through April of the following year, the charge is applied to actual water consumption. For the months of May through October of each year, the charge is applied to the *lower* of: (1) average winter water use (November through April); or (2) actual water consumption.

Notwithstanding the foregoing, if the City receives reliable evidence that the actual use of the City sewer system at a location significantly exceeds the average winter water use at

that location, the use charge shall be applied to actual sewer system use, and the winter averaging method shall not be available.

Prior to applying the charge to actual sewer system use, the City shall issue a notice of its decision to do so, which notice shall include the reliable evidence in support of the decision and the process by which the customer may request a hearing on the same. The hearing shall be conducted by either the City Administrator or a hearing officer appointed by the City Administrator. At the hearing, the burden shall be on the City to establish by a preponderance of the evidence that the premises' actual sewer system use significantly exceeds the premises' average winter water use.

The volumetric charge for any premises not served by the City water system, and therefore not metered for water, shall be applied to an assumed water consumption of twenty thousand (20,000) gallons per bimonthly billing period.

Customer Class	***Charge per Thousand Gallons***	
	Inside City & Chicago Creek	***Outside City***
Residential	~~$6.95~~ $7.09	~~$13.90~~ $14.18
Commercial Low Strength	~~$9.36~~ $9.55	~~$18.70~~ $19.07
Commercial Medium Strength	~~$16.60~~ $16.93	~~$33.21~~ $33.87
Commercial High Strength	~~$24.91~~ $25.41	None accepted

(C) The bi-monthly service charge for all services (not including fire services) is an amount set forth below, multiplied by the multiplier established for such premises pursuant to Section 12-61 of this Chapter. The bi-monthly service charge shall be imposed upon each active tap regardless of whether any wastewater is discharged from the premises to the City system during the billing period.

Customer Class	Bi-Monthly Base Rate		
	Inside City	Outside City	Chicago Creek Sanitation District
Residential	~~$64.34~~ $65.63	~~$128.67~~ $131.24	~~$64.34~~ $65.63
Commercial Low Strength	~~$128.67~~ $131.24	~~$257.33~~ $262.48	~~$128.67~~ $131.24
Commercial High Strength	~~$128.67~~ $131.24	None accepted	~~$128.67~~ $131.24

Section 4. The rates enacted by this Ordinance shall be invoiced for the service period commencing on April 1, 2024 after the effective date of this Ordinance and subsequently invoiced by the City in July of 2024.

Section 5. Should any one or more sections or provisions of this Ordinance, or Code provisions enacted hereby, be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions thereof, the intention being that the various sections and provisions are severable.

Section 6. Any and all Ordinances or Code provisions or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a regular meeting of the City Council of the City of Idaho Springs, Colorado, held on the 8th day of January, 2024.

_____
Charles Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after publication, at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 12th day of February, 2024.

_____
Charles Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 2, Series 2024

AN ORDINANCE AMENDING CHAPTER 10 OF THE IDAHO SPRINGS MUNICIPAL CODE TO AMEND EXISTING ANIMAL REGULATIONS AND ESTABLISH ADDITIONAL ANIMAL REGULATIONS

WHEREAS, the City of Idaho Springs, Colorado (the "City"), is a Colorado statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances regulating the keeping of animals, including the prohibition and punishment for cruelty to animals; and

WHEREAS, pursuant to such authority, the Council previously various animal regulations, codified as Chapter 10 of the Idaho Springs Municipal Code ("Code"); and

WHEREAS, Staff recommends amendments and additions to the Code to better regulate animal uses within the City; and

WHEREAS, the Council finds that it is desirable to update the animal Code to better reflect the City's current animal uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Section 10-1 of the Code, concerning animal definitions, is amended as follows:

Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Aggressive animal. Any animal that, without provocation, harasses persons by encroaching onto public property or the property of another from a vehicle or from the owner's or custodian's yard through or over a fence, or attacks, injures or kills another animal while off the owner's or custodian's property.

Animal. Any of a kingdom (*Animalia*) of living beings typically differing from plants in capacity or spontaneous movement and rapid motor response to stimulation; consistent therewith, any one (1) of the lower animals distinguished from man.

Animal owner. Any person who owns, keeps, harbors, possesses or otherwise has custody or control of any animal in the City, whether such person is a resident or nonresident of the City.

Animal owner's authorized agent or custodian. Any person who acts for or in the place of the animal owner by authority from the animal owner.

Cat. Any domesticated animal of the species *Felis domestica*.

Chicken coop. An enclosed and secured facility for housing fowl.

Dog. Any domesticated animal of the species *Canis familiaris* or other species of the family *Canis*.

Domesticated animal. Dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than seventy (70) pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this Chapter.

Fowl. Any domesticated, feathered animal.

Guard dog. A dog disciplined, through special training, to protect persons or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

Harboring. The activity of the occupant of any premises on which an animal is kept or to which an animal customarily returns daily for food and care which contributes to the animal's habit or tendency to stay at or return to such premises for care and sustenance.

Humane trap. A box-type live trap, which does not cause bodily harm to the animal intended to be captured or any other animal or person coming in contact with such trap.

Leash. A substantial chain, rope, cord or similar device sufficient to hold an animal in restraint and which is not more than six (6) feet in length.

Ordinance Control Officer. Any officer or employee of the City designated by the Police Chief or by his or her authorized representative to enforce the animal control provisions of this Chapter.

Rabies inoculation. The inoculation of an animal with a rabies vaccine approved by the Colorado Department of Public Health and Environment and administered by a licensed veterinarian.

Run. An enclosed and secured area, attached to a chicken coop, in which fowl are allowed to run around and peck.

Running at large. Any animal, unless specifically excepted by this Chapter, not under the direct and competent control of the owner or the owner's authorized agent by means of a leash, except an animal on or within the owner's premises or the owner's motor vehicle; provided that, when such vehicle is parked, the animal shall be within the enclosed portion of such motor vehicle or tethered so as to restrain the animal within the confines of the motor vehicle.

Veterinarian. A person licensed by the State to practice veterinary medicine.

Vicious animal. Any animal that, without provocation, bites, snaps at or attacks humans or other domesticated animals on public or private property or in a terrorizing manner approaches any person in an apparent attitude of attack; provided, however, that an animal shall not be deemed a *vicious animal* by reason of having bitten or attacked the following:

(1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept.

(2) Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked on the street immediately adjacent to the owner's property.

(3) Any person engaged in attacking or molesting another person.

(4) Any person engaged in attempting to stop an altercation between such animal and another animal.

(5) Any person who deliberately and wantonly provokes such animal to bite or to attack such person, another person or another animal.

(6) A fowl not on the fowl owner's property.

Section 2. Section 10-3 of the Code, concerning cruelty to animals, is amended as follows:

Sec. 10-3. - Cruelty to animals.

(A) In this Section, unless the context otherwise requires:

Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

Mistreatment includes every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

Neglect includes failure to provide food, water, protection from the elements, opportunity for exercise or other care normal, usual and proper for an animal's health and well-being.

(B) A person commits cruelty to animals if, except as authorized by law, he or she knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats or neglects any animal or causes or procures it to be done, or, having the charge and custody of any animal, fails to provide it with proper food, drink or protection from the weather or abandons it.

(C) Cruelty to animals is a misdemeanor. In the case of any person incurring a second or subsequent conviction under the provisions of Subsection (B) above, a ~~sentence of imprisonment within the minimum and maximum terms~~ fine of three hundred dollars ($300.00) shall be mandatory and shall not be subject to suspension~~, nor shall such person be eligible for probation or parole for any part of such period~~. A plea of nolo contendere accepted by the Court shall be considered a conviction for the purposes of this Section.

(D) Nothing in this Section shall be construed to prohibit any conduct authorized or permitted in Title 33, C.R.S., as amended.

(E) It shall be the duty of the Ordinance Control Officer or any duly authorized police officer of the City to take up and impound any such animal that is found to be subject to cruel and inhumane treatment as defined in this Section.

(F) It is no defense to prosecution under this Section that the defendant was, at the time of the offense, the owner of the animal, nor that the offense was committed upon private property.

Section 3. Section 10-4 of the Code, concerning the poisoning of animals, is amended as follows:

Sec. 10-4. - Poisoning animals prohibited.

It is unlawful for any person to poison any animal or fowl or to distribute poison in any manner whatever with the intent or for the purpose of poisoning any animal or fowl. The distribution or setting out of any poison, toxicant or poisoned meat or food, other than those specifically for insect, bat, rat, mouse or other rodent poisoning, shall be presumptive evidence of violation of this section. The poisoning of insects, bats, rats, mice and other rodents shall conform with all applicable state and federal laws.

Section 4. Chapter 10, Article I of the Code, concerning animals, is amended by the addition of new Sections 10-6, 10-7, 10-8, and 10-9 to read in their respective entireties as follows:

Sec. 10-6. - Livestock and Fowl.

The keeping of any fowl within the Town is prohibited, other than as specifically set forth and allowed herein:

(A) The following requirements, restrictions, and standards shall apply to backyard fowl uses:

1. The footprint of a chicken coop and enclosed run shall not exceed one hundred twenty (120) square feet. The maximum height of the chicken coop shall be six (6) feet high. Chicken coops and runs shall be completely enclosed with wire or other material to contain the fowl and prevent intrusion from wildlife and domesticated animals.

2. The chicken coop shall be of sound construction, be covered, predator resistant, properly ventilated, designed to be easily accessed, cleaned and maintained. Dilapidated, unsightly, or dangerous chicken coops or runs shall be removed or repaired when so ordered by the city.

3. Chicken coops and runs shall be maintained in a clean fashion and regularly cleaned to control dust, odor and waste so as to not constitute a nuisance, safety hazard, or health problem to surrounding properties. Odors and dust shall not be perceptible beyond the boundaries of the parcel.

4. The chicken coop and run must provide adequate ventilation and adequate sun and shade, and must be impermeable to rodents, wild birds and predators, including dogs and cats.

5. The chicken coop must consist of at least four (4) square feet for each fowl housed therein.

6. Except when provided to chickens for consumption, chicken feed shall be kept within the residence or garage so that it can be secured from rodents and other wildlife.

7. During daylight hours, fowl shall have access to both the chicken coop and run. During non-daylight hours, fowl shall be secured within the chicken coop.

8. Fowl manure shall be removed and stored in a sealed container or removed from the property daily. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.

9. Slaughtering or display of slaughtered fowl is prohibited except for religious purposes.

10. It is the sole responsibility of the fowl keeper to ensure their fowl do not leave their property. The keeper of any fowl which is found to be off the property of the keeper shall be subject to the provisions of, and applicable penalties provided herein.

11. Fowl may be kept in a secure enclosure with a maximum of twelve fowl per two thousand five hundred (2,500) square feet of property provided that no more than thirty-six (36) fowl shall be kept on any single property or contiguous properties held in common ownership.

(B) Permit required. All backyard fowl uses and facilities shall require a permit from the city clerk's office prior to allowance of any fowl on the property. The permit shall be valid only for the person and location to which it is issued and is nontransferable. This permit shall only be issued after the backyard fowl application has been approved in accordance with this Section and shall specify any terms or conditions of the permit. The applicant shall submit the application on the form provided by the city clerk and shall pay the application fee as set by city council resolution. The city clerk may require submittal of such additional information as is deemed necessary to demonstrate compliance with the requirements of this section. Any pre-existing keeping of fowl is illegal, and therefore must comply with this section or be removed.

(C) Revocation of permit. A backyard fowl permit may be revoked upon the conviction of the permit holder of a violation of any provision in this Chapter.

(D) In addition to revocation of a permit, any violation of this chicken ordinance may result in a charge or charges under this section and issued by any police officer and flied in the municipal court.

Sec. 10-7. - Accumulation of Animals.

The accumulation of animals substantially increases the likelihood of the mistreatment of animals, including starvation, neglect, cruelty and abandonment, as well as the noxious odors, health hazards and unsanitary condition of premises often accompanying such actions, as addressed in this chapter. Therefore:

(A) No person or household shall own or have custody of more than six (6) dogs and cats, in any combination, more than four (4) months of age. State of Colorado licensed kennel facilities are excluded from this Section.

(B) No person or household shall own or have custody of more than two (2) pot-bellied pigs more than four (4) months of age.

(C) In addition to the limits set forth above, no person or household shall own or have custody of more than fifteen (15) small animals such as rabbits, guinea pigs, hamsters or the like more than four (4) months of age, in any combination.

(D) From the date of passage of this ordinance, any person or household that has over the limit of animals set forth in this Section, shall be required to contact the city clerk advising him or her of the total number of animals and a description of each animal. The person or household shall not increase the total number of animals beyond that total. Once the person or household reduces animals to the limit allowed, they shall not go over the limit again.

Sec. 10-8. - Traps.

It shall be unlawful for any person to set or cause to be set within the city any steel jaw leghold trap, snare or any trap other than a humane trap, for the purpose of capturing any animal, whether wild or domestic.

Sec. 10-9. - Promotion of Fights.

It shall be unlawful for any person to cause or encourage any animal to fight with another of Its own species or with another of a different species. It shall be unlawful to maintain any place where animals are permitted to fight for exhibition, for wager or for sport. For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain if he or she Is knowingly present at such a fight; possesses equipment used to train or condition animals for fighting; or knowingly allows any such fight to occur on any property owned or controlled by him or her. In addition to the penalties provided by this Code, any police officer may impound any animal from public or private property for the animal's well-being.

Section 5. Chapter 10, Article II of the Code, concerning animal owner responsibilities, is amended by the addition of a new Section 10-21to read as follows:

Sec. 10-21. - Animal scattering trash.

It is unlawful for any person owning or having charge of any animal to fall to prevent the animal from scavenging, scattering, tearing at or rummaging through trash, garbage or rubbish, whether such is in a receptacle or not, or from scattering or littering such trash, garbage or rubbish on or around any public or private property; provided, however, that it is a specific defense to a charge of violating this Section that the owner or person having charge of the animal immediately removed or cleaned up the trash, garbage or rubbish and disposed of

it securely in a receptacle ordinarily used for trash, garbage or rubbish or in an otherwise lawful manner.

Section 6. Should any one or more sections or provisions of this Ordinance or of any Code provision enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 7. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code provision or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 22nd day of January 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 12th day of February 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 3, Series 2024

AN ORDINANCE ADOPTING A NEW ARTICLE XIV OF CHAPTER 9 OF THE IDAHO SPRINGS MUNICIPAL CODE TO ESTABLISH A MOBILE FOOD TRUCK LICENSING PROGRAM

WHEREAS, the City of Idaho Springs, Colorado (the "City"), is a Colorado statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City, acting through its City Council (the "Council"), is authorized to regulate and license all lawful businesses and occupations; and

WHEREAS, pursuant to such authority, the Council previously adopted various business licensing regulations, codified as Chapter 9 of the Idaho Springs Municipal Code ("Code"); and

WHEREAS, advances in the food service industry have led to the popularity of mobile food trucks, which provide meals outside of the traditional brick and mortar restaurant setting; and

WHEREAS, the Council finds that it is desirable to regulate and license these mobile food trucks to ensure the continued wellbeing of the City's mobile food truck patrons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Chapter 9 of the Code, concerning licenses, permits, and miscellaneous business regulations, is amended by the addition of a new Article XIV to read as follows:

Sec. 9-211. - Purpose and Applicability.

(A) The purpose of this article is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the city by establishing reasonable guidelines and regulations for the operation of mobile food trucks within the city.

(B) It shall be unlawful for any person to operate a mobile food truck business unless such person has obtained a mobile food truck license from the City Administrator.

Sec. 9-212. - Definitions.

As used in this article:

City Administrator means the Idaho Springs City Administrator or his or her designee.

Mobile food truck means a motorized or towed wheeled vehicle that must be registered with the Department of Motor Vehicles and is equipped and used to prepare, or serve, and sell food at a transitory or static location, and is not located in a permanent structure as an accessory to a business located in the structure for purposes of primarily serving patrons of the business.

License means a mobile food truck license issued pursuant to this article.

Licensee means a person issued a mobile food truck license pursuant to this article.

Sec. 9-213 - Mobile Food Truck Licenses; License Application.

(A) License applicants shall submit a license application to the City Administrator. The application shall contain all information relevant and necessary to determine whether a license may be issued, including, but not necessarily limited to:

(1) The applicant's full name, current address, telephone number, mailing address and proof of identity.

(2) A brief description of the nature, character, and quality of foods to be offered for sale.

(3) Site plan showing proposed location in compliance with the location requirements outlined in Section 9-214.

(4) If applicable, written express consent of the property owner to operate a mobile food truck business on the property.

(5) A copy of a current State of Colorado Health Department Inspection Certificate for the subject vehicle.

(6) Make, year, model, color, and license number of the mobile food truck to which the license shall apply.

(7) A signed statement that the applicant shall hold harmless the city and its officers and employees, and shall indemnify the city, its officers, and employees for any claims of property damage or injury to persons which may be occasioned by any activity carried out under the terms of the license.

(8) If the applicant will be operating on city property or rights of way, the applicant shall also furnish and maintain such public liability, food products liability, and property damage insurance as will protect licensee, property owners, and the city from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection

therewith. Such insurance shall provide coverage of not less than four hundred thousand dollars ($400,000.00) per person and one million dollars ($1,000,000.00) per accident or occurrence. The policy shall further provide that it shall not be cancelled except upon thirty (30) days written notice served upon the City of Idaho Springs, City Administrator, 1711 Miner St, Idaho Springs, Colorado 80452. A license shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City Administrator. Proof of insurance must be shown for each mobile food vehicle in operation.

(9) The application fee as adopted by resolution from time to time by the City Council. Application fees are non-refundable.

(B) The City Administrator shall review each application and upon determining that the applicant is in full compliance with the provisions of this article and with every other applicable requirement of this Code, shall issue a license. A license applicant shall be notified in writing by the City Administrator of the city's decision to issue or deny the license application.

(C) Each license shall show the name and address of the licensee, the nature of the food to be sold, the date of issuance, the date of expiration, and a brief description of the mobile food truck.

(D) An issued license shall be carried with the licensee whenever they are engaged in activities regulated under the license and conspicuously displayed on the mobile food truck.

(E) An issued license shall expire annually at 11:59 p.m. on December 31st. A license may be renewed, provided an application for renewal and license fees are submitted prior to the expiration date of the active license. Any application received after the license expiration date shall be processed as a new application. The City Administrator shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article and with every other applicable requirement of this Code, shall issue a new license.

(F) The denial of an initial or renewal application may be appealed in the same manner as a suspension or revocation under Section 9-215 hereof.

Sec. 9-214. - Mobile Food Truck Operating Requirements.

(A) All mobile food trucks shall adhere to the following operational requirements:

(1) Mobile food trucks shall be permitted in locations on public property/public right of way as designated on the food truck

location map kept and maintained by the City Administrator. The food truck location map may be amended from time to time at the City Administrator's sole discretion.

(2) Mobile food trucks shall be permitted on developed private property with an existing primary use in areas of the city with underlying commercial and industrial zoning with written owner permission and a City approved parking plan.

(3) Mobile food trucks shall not be permitted on undeveloped property lacking a primary use in any zoning district.

(4) No mobile food truck shall be permitted to operate in areas not previously designated on the food truck location map kept and maintained by the City Administrator.

(5) A licensee shall provide for adequate solid waste receptacles of its own (not City-owned and provided receptacles) and shall be responsible for the cleanliness and neat appearance of the sidewalks, roadways, and other spaces in proximity to their mobile food truck locations by keeping them clean and free of paper, peelings, and refuse of any kind generated from the operation of their business.

(6) No person or entity authorized to engage in the business of mobile food vending under these regulations shall be permitted to do any of the following:

(a) Unduly obstruct pedestrian or motor vehicle traffic.

(b) Obstruct traffic signals or signs.

(c) Stop, stand, or park any mobile food vehicle upon any street or public way for the purpose of selling unless that area has been designated a food zone by the city.

(d) Operate any mobile food vehicle that when fully loaded and operating cannot be easily moved and maintained under control by the licensee, his employee or an attendant.

(e) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

(f) Conduct his/her business in any way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay on any public street or travelled way, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(g) Install or erect any free-standing signage.

(h) Run hoses, electric cords, gas lines, or other apparatus to the mobile food truck in any manner that presents an unsafe condition to pedestrians or the motoring public.

(i) Use electrical lighting other than that reasonably necessary to illuminate the interior of the mobile food truck.

(j) Violate any other section of this Code.

(7) A mobile food truck is subject to all regulations established by the health department.

(8) Mobile food trucks located within a public street shall serve food only from the side of a vehicle that is parked abutting and parallel to the curb or edge of travelled way.

(8) Mobile food trucks shall not operate between the hours of 1:00 a.m. and 7:00 a.m.

Sec. 9-215. - Suspension and Revocation of Mobile Food Truck License

(A) Any license issued pursuant to this article may be suspended or revoked for any of the following reasons:

(1) Fraud, misrepresentation or knowingly providing a false statement in a license application.

(2) A violation of any requirement or provision of this Article or other applicable requirement or provision of this Code.

(3) Cancellation of health department authorization unit due to uncorrected health or sanitation violations.

(4) The licensee is in default on any payments owed to the city.

(B) The City Clerk shall provide written notice of the proposed suspension or revocation in a brief statement setting forth the complaint and the grounds for suspension or revocation. Such notice shall be mailed to the address shown on the licensee's license application by certified mail, return receipt requested.

(1) A decision of revocation or suspension by the City Administrator may be appealed to the City Administrator by filing a written notice of appeal with the City Administrator within ten (10) days of the date of the decision being appealed. The City Clerk shall promptly schedule the appeal before the City Administrator. Any decision rendered by the City Administrator, and any suspension or revocation rendered by the City Clerk which is not timely appealed in accordance with this Section, shall constitute the City's final decision on the matter.

(C) The city may choose, at its sole discretion, to offer the licensee the opportunity to pay a fine in lieu of license suspension or revocation. In that event, the licensee shall be subject to a fine of up to five hundred dollars ($500.00) per violation. Each violation shall constitute a separate and distinct offense. Each day shall be considered a separate offense.

(D) If the City Administrator revokes a license, the fee already paid for the license shall be forfeited. A person whose license has been revoked under this section may not apply for a new license for a period of one (1) year from the date that the revocation took effect.

Sec. 9-216. Violations; Penalties.

(A) It is unlawful to operate a food truck within the City without a valid City food truck license issued pursuant to this Article.

(B) It is unlawful to operate a food truck within the City in violation of any of the requirements of this Article or this Code.

(C) A violation of this Section constitutes a civil offense and, upon conviction thereof, a violator may be fined up to two thousand six hundred fifty dollars ($2,650.00) per violation in accordance with Subsection 1-8(C) of this Code. With respect to continuing violations, a separate offense shall be deemed committed for each day the violation occurs or continues.

Section 2. Should any one or more sections or provisions of this Ordinance or of any Code provision enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however,

that the repeal of any such Ordinance or Code provision or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 22nd day of January 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 12th day of February 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

_____
Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 5, Series 2024

AN ORDINANCE EXTENDING THE CONDITIONAL VACATION OF A PORTION OF RIVERSIDE DRIVE ADJACENT TO LOTS 1 – 4 OF THE MIGHTY ARGO MILL MINOR SUBDIVISION

WHEREAS, in 2020, Argo Holdings, LLC ("Argo"), as the owner of that property known as the Mighty Argo Mill Minor Subdivision, approved by the Idaho Springs City Council ("City Council") on October 26, 2020 by Resolution No. 28, Series 2020, requested a temporary vacation of the public right-of-way known as Riverside Drive that lies within said subdivision; and

WHEREAS, the request to temporarily vacate that area of City street was to allow the street to eventually be realigned and rededicated as a City street after Use Area 1, as defined and established by the Mighty Argo & Virginia Canyon Mountain Park Mixed-Use Planned Development (Clear Creek County Records Reception No. 293437), was more fully-developed; and

WHEREAS, in the meantime, in order to protect the continuing right of public access and use of that area of Riverside Drive, the Mighty Argo Mill Minor Subdivision includes and dedicates to the City and the public a twenty foot wide public access and utility easement in the approximate location of current Riverside Drive; and

WHEREAS, the Mighty Argo Mill Minor Subdivision Plat expresses the mutual understanding of the City and Argo that "the Owner and City both intend for a new alignment of Riverside Drive within this Plat area to be dedicated by future plat" – Plat Note # 18; and

WHEREAS, with this assurance that this portion of Riverside Drive would remain available for use by the public and utilities, the City Council, through the adoption of Ordinance No. 18, 2020, approved the conditional vacation of said right-of-way; and

WHEREAS, one of the conditions expressed in said Ord. No. 18, 2020, was that the contemplated formal re-dedication of Riverside Drive – to occur after the development of Use Area 1 – would occur not later than January 2, 2024; and

WHEREAS, due to circumstances largely outside of Argo's control, which include the well-documented and publicized theft of escrowed Argo funds necessary to develop the project, the above-referenced condition has not been satisfied by January 2, 2024; and

WHEREAS, based upon the current good faith representations of Argo representatives, the City Council finds that there is reasonable likelihood that the Argo project will once again resume construction activities and that Use Area 1 may in fact be completed in 2024 or 2025; and

WHEREAS, given the continued guaranteed public use of the previously-vacated area of Riverside Drive, the City Council finds that there is no damage or detriment to the public health, safety

or welfare by extending the previous right-of-way vacation action taken in 2020, the intent being to permit Argo to continue to pursue the development of Use Area 1, as authorized, and the eventual formal re-dedication and final alignment of this area of Riverside Drive as a permanent street once again in the future.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Idaho Springs, Colorado, as follows:

Section 1. The above and foregoing recitals are incorporated herein by reference as findings and determinations of the City Council.

Section 2. That area of Riverside Drive located adjacent to Lots 1 – 4 of the Mighty Argo Mill Minor Subdivision, and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference, is hereby and once again vacated, as was previously done by Idaho Springs Ordinance No. 18, Series 2020, recorded with Clear Creek County at Reception No. 299227, upon the following **CONDITION:**

1) Argo, or its successor in interest, shall file a subdivision plat, street dedication plat or other plat in a form acceptable to the City to re-dedicate Riverside Drive as a City street, its exact location and dimensions to be determined in the future, in the general area of the southern border of the Mighty Argo Mill Minor Subdivision; and

2) The above condition must be fully-satisfied no later than January 5, 2026.

Should Argo, or its successor in interest, fail to timely satisfy these conditions, the vacation approved by this Ordinance shall be null and void.

Section 3. Upon the recording of this Ordinance and Exhibit pursuant to Section 4 below, title to that portion of the alley way vacated by this Ordinance shall vest in the owners of the land abutting said vacated portion by operation of law, specifically: C.R.S. § 43-2-302(1)(b).

Section 4. On January 5, 2026, or sooner if the circumstances allow, the City Clerk is hereby directed to verify that the condition of vacation set forth in Section 2 of this Ordinance has been timely satisfied. If the City Clerk finds that said condition was timely satisfied, she is further directed to record a copy of this Ordinance with the Clear Creek County Clerk and Recorder's office as required by C.R.S. § 43-1-202.7, without undue delay.

INTRODUCED, READ, AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado on the 22nd day of January, 2024.

_____
Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after publication, at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 12th day of February 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

EXHIBIT A

[INSERT DESCRIPTION AND SURVEY OF VACATED AREA]

299227 01/28/2021 11:49 AM B: 1000 P: 243 ORDIN
Page 5 of 6 R $38.00 D $0.00 T $38.00 Clear Creek

EXHIBIT

A PART OF THE SILVER AGE MILLSITE AND THE WELCH PLACER LOCATED IN SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN. IDAHO MINING DISTRICT, CITY OF IDAHO SPRINGS, COUNTY OF CLEAR CREEK, STATE COLORADO
SHEET 1 OF 2

DESCRIPTION:

Parcel 1:
A part of Riverside Drive and Colorado and Southern located within the Silver Age Millsite U.S. Mineral Survey No. 5757B thirty (30) feet in width, described in Book 183 at Page 219 in the Clerk and Recorder's Office of the County of Clear Creek, located within Section 36, Township 3 South, Range 73 West of the 6th Principal Meridian, City of Idaho Springs, County of Clear Creek, State of Colorado, being fifteen feet (15) on each side of the following described centerline:

Beginning at a point on the 1-6 line of said Silver Age Millsite whence corner No. 6 thereof bears N00°03'55" East a distance of 73.16 feet with all bearings contained herein relative there to; thence South 89°42'56" West, a distance of 92.53 feet to a point of curvature; thence along the arc of a curve to the right 87.89 feet, having a radius of 1,719.10 feet, a central angle of 02°55'45" and a chord which bears North 88°49'12" West a distance of 87.88 feet; thence North 87°21'19" West, a distance of 864.70 feet to a point of curvature; thence along the arc of a curve to the left 264.10 feet, having a radius of 1,432.70 feet, a central angle of 10°33'42" and a chord which bears South 87°21'50" West a distance of 263.73 feet; thence South 82°04'59" West, a distance of 34.92 feet to Point A.

Parcel 2:
A part of Riverside Drive and Colorado and Southern located within the Welch Placer U.S. Mineral Survey No. 236 fifty (50) feet in width, described in Book 224 at Page 460 in the Clerk and Recorder's Office of the County of Clear Creek, located within Section 36, Township 3 South, Range 73 West of the 6th Principal Meridian, City of Idaho Springs, County of Clear Creek, State of Colorado, being twenty-five (25) feet on each side of the following described centerline:

Beginning at Point A, thence South 82°30'57" West, a distance of 461.53 feet to a point of curvature; thence along the arc of a non-tangent curve to the right 126.27 feet, having a radius of 410.30 feet, a central angle of 17°37'57" and a chord which bears North 83°20'20" West a distance of 125.77 feet to a point of curvature; thence along the arc of a non-tangent curve to the right 163.71 feet, having a radius of 955.40 feet, a central angle of 09°49'04" and a chord which bears North 74°56'31" West a distance of 163.51 feet to the Point of Terminus.

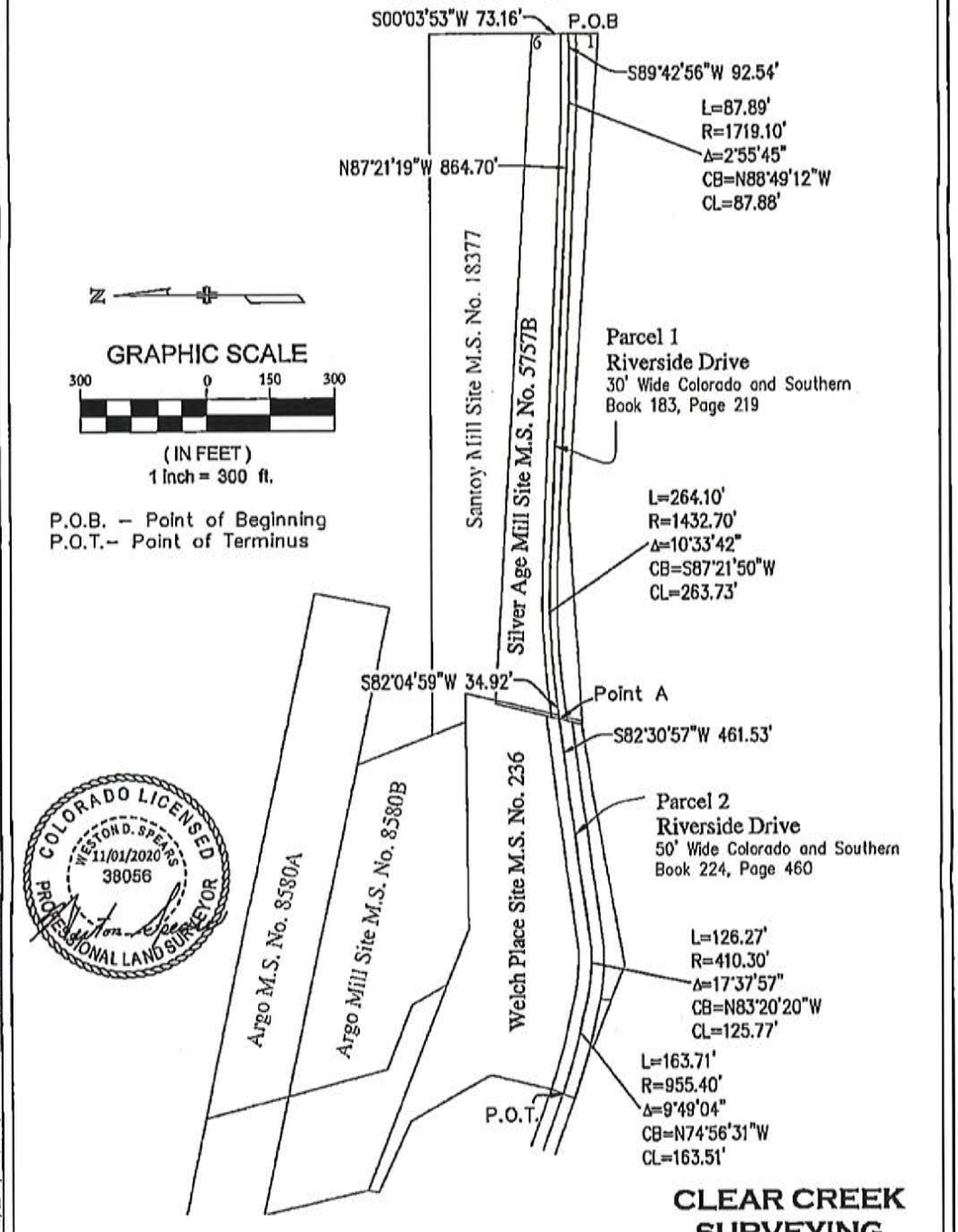
Weston D. Spears, Professional Land Surveyor
Colorado P.L.S No. 30586
for and on behalf of Clear Creek Surveying

299227 01/28/2021 11:49 AM B: 1000 P: 244 ORDIN
Page 6 of 6 R $38.00 D $0.00 T $38.00 Clear Creek

EXHIBIT

A PART OF THE SILVER AGE MILLSITE AND THE WELCH PLACER LOCATED IN SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN. IDAHO MINING DISTRICT, CITY OF IDAHO SPRINGS, COUNTY OF CLEAR CREEK, STATE COLORADO

SHEET 2 OF 2



COLORADO LICENSED
WESTON D. SPEARS
11/01/2020
38056
PROFESSIONAL LAND SURVEYOR

CLEAR CREEK SURVEYING
P.O. BOX 3184
IDAHO SPRINGS, CO 80452
(303) 681-1519

PROJECT NO.: S:_Survey_Projects\2020\20029102 Argo Mine\Office\CAD\20029102 VACATION.dwg

JUDICIAL SERVICES AGREEMENT

For Presiding Municipal Court Judge

THIS AGREEMENT (this "Agreement") is between the City of Idaho Springs, a Colorado statutory municipality ("City") and F. Michael Goodbee ("Judge") under which the Judge agrees to provide judicial services by presiding over the Municipal Court of the City of Idaho Springs ("Court").

RECITALS

WHEREAS, pursuant to Idaho Springs Municipal Code ("Code") Section 2-4(A), the Idaho Springs City Council ("City Council"), on November 13, 2023, reappointed F. Michael Goodbee to serve as presiding Municipal Judge of the Idaho Springs Municipal Court for a two (2) year term to expire not later than February 15, 2026;

WHEREAS, the parties now wish to enter into a Judicial Services Agreement to memorialize the parties' understanding of the Judge's duties and compensation.

NOW, THEREFORE, the City and the Judge agree as follows:

AGREEMENT

1. Scope of Judicial Services. The Judge shall preside over the Court in matters in which the Court has jurisdiction pursuant to C.RS. § 13-10-104.

2. Powers and Duties.

a. The Judge shall have all judicial powers and duties as provided in the Code and in the Colorado Revised Statutes applicable to municipal judges.

b. The Judge is hereby authorized to issue local rules of procedure consistent with the Municipal Court Rules as promulgated by the Colorado Supreme Court.

c. The Judge is hereby authorized to exercise contempt powers, and enforce subpoenas issued by any board, commission, hearing officer, or other body or officer of the City authorized by law or ordinance to issue subpoenas, and all other powers inherent with the office.

3. Term. The Judge's term shall expire when a successor is duly appointed by the City Council or on February 15, 2026, whichever is the first to occur. Nothing herein shall be construed to prohibit the City Council from reappointing the Judge in the event he wishes to be considered for reappointment.

4. Resignation. The Judge agrees to give the City at least forty-five (45) days' written notice of his intent to resign his position as judge.

5. Removal for Cause. The Judge may be removed from office by a vote of the City Council only for cause in accordance with C.R.S. § 13-10-105.

6. Compensation. The City will pay the Judge for judicial services rendered at the rate of One Thousand Six Hundred Dollars ($1,600.00) per month for all tasks necessary and attendant to conducting the regular monthly Municipal Court session. For time spent on unusual or extraordinary tasks outside of this scope (*e.g.*, consideration of complex motions, out of the ordinary hearings or trials on non-Court dates, etc.) and subject to City Administrator approval, the City will pay the Judge at the rate of One Hundred Dollars ($100.00) per hour for such work. The Compensation authorized hereby shall be retroactive to January 1, 2024.

7. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the state of Colorado.

8. Amendment. This Agreement may be amended only by a written instrument signed by both of the parties hereto. No rights under this Agreement may be waived except by an instrument in writing signed by the party sought to be charged with such waiver.

9. Entire Agreement. This Agreement is the Judge's entire agreement with the City.

ENTERED INTO as of this 12th day of February, 2024.

CITY OF IDAHO SPRINGS

_____

Chuck Harmon, Mayor

ATTEST:

_____

Diane Breece, City Clerk

JUDGE

_____

F. Michael Goodbee

TO:	Mayor and City Council
CC:	City Administrator Andrew Marsh
FROM:	Jonathan Cain | Assistant City Administrator
DATE:	12 February 2024
SUBJECT:	Staff Update
ATTACHMENTS:	

Request(s) for Action
None

Administration Department Updates

Municipal Court
- 37 Tickets written in January
- 27 Cases on February Docket
- 17 required appearances

Best and Brightest
- Working to Finalize RFPs for Building Services and Parking Management
- Working on Programming for Fourth of July
- Working with Patti and Kelsey in Finance/Utility Billing

Utility Billing

XBP
- 701 Active XBP Users (397)
- 201 Active Autopay Set-Ups (190)
- 164 Paperless Billing Accounts (164)

Payment Plans
- Total Active Plans: 11

Backflow
- We still have two customers that are in the process of getting their backflow assemblies installed.

Hauled Water
- We have 10 of the 12 Invoiced Accounts paperwork back along with their $100 Annual Fee
- Still continuing to call the account with bad addresses and following up on the ones that have not responded, and address appears to have been good.

Utility Billing

- Mach 10 meters –City will be testing new technology to see if they work within our environment.

Meter Reads were done 2/1/24.

- We requested 976-meter reads.
- 893 were completed.
- 82 were incomplete.
- 9 are properties with buildings under construction or no building on the property.
- 8 are new meters with a connection error.
- That leave 65 with either a connection issue or a new issue – looking much better!
- May want to think about having D&B schedule appointments for these accounts and get the meters replaced.
- Will be comparing reading in N360 with the customer account to see if any are way off – checking for leaks or other anomalies.

On January 29, I attended a CDOT Meeting regarding a proposed sound wall at exit 241 in Idaho Springs.
From January 31-February 2, Mayor Harmon, Andy, Dylan, Maria and I attended the Saving Places conference with members of the HPRC.
On February 2 I attended the CDOT Floyd Hill Technical Team Meeting Virtually.
On February 5 I attended a meeting with the IHOP Consultant RE: Code Review for the City. Tasks for the IHOP are coming to completion.
On February 7, Planning Commission Met in Work Session
On February 8-9 I attended the EDC Rural Resiliency Community Gathering and Leadership Breakfast.

Grant Management:

- City Staff will make a presentation to Colorado Parks and Wildlife to fund phase one of the Shelly Quinn Ballfields Project on January 19.

Warm regards,

Jonathan Cain
Assistant City Administrator

City of Idaho Springs
1711 Miner Street
P.O. Box 907
Idaho Springs, CO, 80452-0907
303.567.4421 | (f) 303.567-4955
www.idahospringsco.com

Community Development Planner Communication

Meeting Date: February 12, 2024
To: Mayor and City Council
From: Dylan Graves, Community Development Planner

RE: Community Development Monthly Report

The Community Development Planner has been working on the following recent, current, and upcoming projects.

Development applications and pre-applications:

- Indian Hot Springs Local Historic Designation Request: Applicant is petitioning for local designation. HPRC reviewed the application on January 16 and requested additional information. HPRC will review again on February 20 with an anticipated discussion with Council in late February.
- River Sounds – 1535 Miner St – Opera House Redevelopment: Public hearing on February 20th with HPRC
- Annexations:
    - I-70 Right-of-Way: The City is applying to annex ~100 acres of CDOT ROW. Impact Report submitted to Clear Creek County. Anticipate taking this to Council for first reading in March.
    - ARGO/VCMP PD: Owner is requesting that an additional four (4) parcels be annexed into the ARGO/VCMP planned development. Impact Report submitted to Clear Creek County. Anticipate taking this to Council for first reading in March.
    - 839 CO 103: Pre-application stage, working with owner on a proposed annexation of approximately 2 acres.
- Soda Creek Highlands – Staff anticipates submittal of a Subdivision Improvements Agreement (SIA) in 2024. This will be presented to Council for action once it has been submitted and reviewed.

Other Activities:

- Block 57 / Four Points Project: Building and excavation permits pending based on completion of several items that are nearing completion. Owners would like to break ground in March, working towards permit issuances.

- HPRC: Reviewing Indian Hot Springs local designation in February, COA for 1535 Miner St also in February.

- Variance Board: There are no active variance cases currently.

- Inquiries: Staff continues to respond to a variety of planning and zoning inquiries from the public. Several projects are in pre-application awaiting additional materials before they can be formally submitted and reviewed that may require development review processes.

- Staff presented a list of items to the Planning Commission that have been identified as items that could be addressed in 2024. This is attached as page 2 for your review. More work is needed before proceeding on any of the included items.

TO:	Idaho Springs City Council
FROM:	Dylan Graves, Community Development Planner
SUBJECT:	Planning 2024 Potential Items
ATTACHMENTS:	N/A
MEETING DATE:	February 12, 2024

BACKGROUND

Staff has compiled a list of items for 2024 that have been identified by City Staff, the Planning Commission, City Council, the Historic Preservation Review Committee (HPRC), etc. as topics worthy of consideration and work in the near future.

Staff brought an initial list to the Planning Commission on February 7, 2024, for a review and discussion and the below list has been updated to reflect that conversation. I have included this in my Community Development update to get the list on Council's radar and any feedback is welcomed, though no action is requested currently unless Council has feedback or recommendations at this time.

Code Amendments / Ordinances:

- Parking regulations
  - Fee-in-lieu program (ongoing work already in progress)
  - Review of current parking standards generally
- Lighting regulations
  - Work was done with PC previously and we may want to revisit this work to see if anything should be implemented.
- Hotel/Motel regulations
  - Specifically, standards on use of these facilities for long-term occupancy
- Dormitory / Shared Amenity Housing for employee housing
  - Creation of standards to allow for shared occupancy as a long-term housing option.
- Sign regulations
  - Work was done with PC previously; Staff discussions have been held about enforcement and consistency within sign code.
- Workforce and Affordable Housing regulations
  - As discussed at work session but also including things like ADUs and above-mentioned Hotels/Motels and Dormitory/Shared Amenity housing
- Small cell wireless infrastructure and facilities
  - To align with State of Colorado standards for facilities – currently no regulations or processes in Code
- Short-term rentals – Staff are monitoring state and federal policies and proceedings.
- Insect / Pollinator regulations
- Duplex and Condo/Townhome Plat
  - Nothing currently exists in Code to allow a duplex or condos to be subdivided into multiple transferrable units

Other long-range projects:

- Comprehensive Plan update
  - Audit of current plan, refresh of goals, determination of whether full re-write is needed or if the current plan can be simply updated
- 3 Mile Plan update
- General Code Audit
- Sites and Facilities committee
- City-initiated housing development opportunities

Office of the Deputy City Clerk

To: Mayor and City Council
From: Wonder Martell, Deputy City Clerk
Date: February 12, 2024
Subject: Staff Report Regular Meeting

- ✓ Sales Tax Report
- ✓ Building Permit Report
- ✓ The deadline for letters of interest to serve on the Variance Board, Planning Commission and HPRC is Wednesday February 14th. This deadline will allow council to appoint any interested/qualified person at the regular council meeting on Monday February 26th.
- ✓ The total bag fees collected in Idaho Springs for 2023 is $15,349.90.
- ✓ City Hall will be closed Monday February 19th in observance of Presidents Day.
- ✓ There will be an HPRC meeting on Tuesday February 20th.
- ✓ I have been able to obtain 2 different pricings on the recognition wall plagues that council has asked to have added. None of the quotes I received included installation of the plaques on the wall, it has been suggested to me that the city find a Mason to do the installation of the plaques. Quotes included in packet.

	2016	2017	2018	2019	2020	2021	2022	2023	2024	Mo. To Mo. Comparison	YTD Comparison	Current YTD Total	Previous YTD Total
Jan	$136,640.85	$154,218.54	$154,968.62	$166,830.68	$199,661.64	$209,633.95	$241,059.18	$267,471.90	$312,734.13	16.92%	16.92%	312,734.13	267,471.90
Feb	$182,564.35	$194,616.57	$201,422.32	$246,761.66	$258,309.27	$266,351.19	$300,210.35	$326,794.82	$368,363.25	12.72%	14.61%	681,097.38	594,266.72
Mar	$139,731.94	$200,236.03	$194,756.37	$222,532.49	$235,940.98	$266,501.90	$265,799.93	$344,180.43		-100.00%	-27.42%	681,097.38	938,447.15
April	$187,483.54	$177,395.43	$190,166.90	$207,177.31	$232,375.01	$243,676.11	$272,972.03	$361,032.17		-100.00%	-47.59%	681,097.38	1,299,479.32
May	$182,398.01	$206,563.51	$223,907.92	$232,244.57	$186,300.12	$291,578.68	$310,036.11	$402,899.93		-100.00%	-59.99%	681,097.38	1,702,379.25
June	$134,442.24	$159,819.04	$175,580.94	$178,261.23	$188,064.67	$248,167.82	$256,468.48	$317,733.49		-100.00%	-66.28%	681,097.38	2,020,112.74
July	$181,631.58	$177,345.32	$184,601.78	$213,658.13	$176,240.37	$275,287.42	$280,922.87	$339,029.09		-100.00%	-71.13%	681,097.38	2,359,141.83
August	$233,208.76	$248,756.18	$274,310.00	$285,678.54	$289,485.68	$364,020.44	$364,822.74	$445,442.74		-100.00%	-75.71%	681,097.38	2,804,584.57
Sept	$261,915.78	$295,890.20	$351,932.41	$393,380.68	$301,704.63	$411,802.03	$422,571.90	$562,291.21		-100.00%	-79.77%	681,097.38	3,366,875.78
Oct	$247,167.24	$266,861.70	$261,825.68	$308,276.28	$302,934.73	$346,174.64	$396,083.62	$479,965.55		-100.00%	-82.29%	681,097.38	3,846,841.33
Nov	$237,656.99	$217,782.08	$253,207.80	$268,690.51	$311,044.04	$379,340.95	$370,507.24	$437,935.60		-100.00%	-84.10%	681,097.38	4,284,776.93
Dec	$178,132.16	$176,952.97	$186,403.26	$228,281.95	$252,727.92	$294,442.00	$297,189.14	$376,787.75		-100.00%	-85.39%	681,097.38	4,661,564.68
Total	$2,302,973.44	$2,476,437.57	$2,653,084.00	$2,951,774.03	$2,934,789.06	$3,596,977.13	$3,778,643.59	$4,661,564.68	$681,097.38				
Budget	1,970,000.00	2,344,592.00	2,536,932.00	2,581,078.00	3,002,445.00	3,002,445.00	3,800,000.00	5,125,000.00	5,273,750.00				
% of Bud	116.90%	105.62%	104.58%	114.36%	97.75%	119.80%	99.44%	90.96%	12.91%				

Jurisdiction Building Performance Report

IDSP - Idaho Springs

Date Range: 01/01/2024 - 01/31/2024

	Residential				Commercial				One Stop	Other	Engineering	Fire	Land Use	Misc	Planning	Public Works	Subdivision	Zoning	Total
	Residential New	Residential Alteration	Residential Miscellaneous	Residential One Stop	Commercial New	Commercial Alteration	Commercial Miscellaneous	Commercial One Stop											
Inspection Activity																			
Number of Inspections	0	0	0	1	0	3	0	0	4	0	0	0	0	0	0	0	0	0	8
Number Passed	0	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	3
Inspection Passed %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	33.33 %	0.00 %	0.00 %	50.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	37.50 %
% Completed on Sched Date																			100.00 %
Permit Activity																			
Applications Filed	1	1	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	8
Valuation - Applications	685,000.00	500.00	0.00	0.00	0.00	0.00	0.00	0.00	59,938.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	745,438.00
Permits Issued	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	6
Valuation - Issued	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,938.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,938.00
Avg wk days submit to issue	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total fees billed	2,352.87	34.12	0.00	0.00	0.00	0.00	0.00	0.00	572.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,958.99
Avg fees/permit (billed)	2,352.87	34.12	0.00	0.00	0.00	0.00	0.00	0.00	95.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	493.17
Total fees paid	2,941.09	50.15	0.00	0.00	0.00	0.00	0.00	0.00	1,434.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,425.32
Avg fees/permit (all fees)	2,941.09	50.15	0.00	0.00	0.00	0.00	0.00	0.00	239.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.55
Voided Permits																			
Number of Voided permits	2	2	0	0	1	2	0	0	8	0	0	0	0	0	0	0	0	0	15
Plan Reviews - Submittals																			
Initial Submittals Received	1	1	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Resubmittals Received	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Submittals Received	1	1	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Approved Submittals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Avg Days In Review	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Plan Reviews - Reviews																			
Total Plan Reviews Completed	0	1	0	0	6	1	0	0	0	0	0	0	0	0	0	0	0	0	8
Total Plan Reviews Created	1	1	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Total Approved Plan Reviews	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Idaho Springs Community Recognition Wall

The Idaho Springs Community Recognition Wall, located on the east side of City Hall, was built in 2015. The Wall was intended to provide a way to permanently recognize those who make an extraordinary contribution to the Idaho Springs community. The contribution will be one of time and effort and will be unique in some way. "Contribution" does not refer to monetary gifts.

With the intent to both formalize the nomination/selection process and to make the process as simple and straightforward as possible, the City Council has adopted the following policy regarding the Wall.

- Only individuals will be considered for recognition.
- Those recognized will have been City or County residents at the time of the noted contribution.
- Those recognized may be City employees or volunteers.
- The length of time over which the contribution was made will not be a consideration.
- The initial nominations in 2015 will be made by City Staff and Council with selection of an unlimited number of individuals by City Council.
- Beginning in 2017, nominations will be accepted annually in January and may be submitted by any person or organization.
- With input from City staff, the City Council will select up to five (5) nominated individuals to recognize annually.
- Plaques for each individual will be purchased by the City with sufficient yet brief wording to describe the contribution being recognized.
- The plaques will be permanently affixed to the Wall and some form of ceremony will be held each year in the spring. The date for each annual ceremony will be determined from year to year depending on weather and other conditions.

Idaho Springs Community Recognition Wall

June 25, 2018

Currently on the Wall:

Marjorie "Chee Chee" Bell

William K. Darnell

Dorothy Dickman

Dorothy Kyler

Paul Munchiando

Grace Shatto

Proposed for the Wall at City Council work session on June 25, 2018:

Fabyan Watrous

Don Allan

Les Clark

Lue Howard

Delores Munchiando

Mary Sena

Will Terry

Forum Engraving Co.
1496 W. Tufts Avenue
Englewood, CO 80110

Voice: 303-761-8084
Fax: 303-761-1712

QUOTATION

Quote Number: 580-
Quote Date: Feb 1, 2024
Page: 1

Quoted To:
CITY OF IDAHO SPRING IDAHO SPRINGS , CO

Customer ID	Good Thru	Payment Terms	Sales Rep
CITYAL	3/2/24	Net 30 Days	00BIEM

Quantity	Item	Description	Unit Price	Amount
7.00		SATIN LEADED BRASS 4" X 6" X .032 ENGRAVED BLACK INK FILLED, 4 HOLES DRILLED Does not include installation.	195.00	1,365.00
			Subtotal	1,365.00
			Sales Tax	
			TOTAL	**1,365.00**

Wonder Martell, Deputy City Clerk

From: Info <info@farmersengraving.com>
Sent: Tuesday, January 30, 2024 9:43 AM
To: Wonder Martell, Deputy City Clerk
Subject: RE: Farmers Engraving - Idaho Springs Donor Engraving Inquiry

We are located in Sheridan so we would not be able to install these for you. We can however drill the holes so that someone in the springs can just screw them into the brick with the appropriate hardware.

I would estimate these to work out to around $55 each plaque plus shipping to you which usually runs $20-30 for the entire order.

Hope this helps, thank you!

7 @ $55.00 = $385.00
shipping = $30.00
Total = $415.00
not installed

The Farmer's Engraving Team
(303) 329-3322
3535 S. Platte River Dr. Unit G3
www.farmersengraving.com

Farmer's ENGRAVING

Review us on Google

@FARMERSENGRAVING

From: Wonder Martell, Deputy City Clerk <cityclerk@idahospringsco.com>
Sent: Tuesday, January 30, 2024 8:55 AM
To: Info <info@farmersengraving.com>
Subject: RE: Farmers Engraving - Idaho Springs Donor Engraving Inquiry

There will be 7 plaques each with a person's name on the first line, their title on the second line and a date or dates on the third line. I do not have the exact verbiage of what each one will say, but I do know there are 7 and they are all to have 3 lines of text. Can you send me a quote for the plaques and are you able to install them onto the wall as well? If

Wonder Martell, Deputy City Clerk

From: Brad Sokolowski <Milehighmemorials@outlook.com>
Sent: Monday, January 29, 2024 3:56 PM
To: Wonder Martell, Deputy City Clerk
Subject: RE: New submission from Mile High Memorials

Good Afternoon,

The owner of Mile High Memorials does not think the plaques are made of bronze, at least not memorial grade bronze. The reason he thinks they may be brass is due to the type of weathering that has occurred, bronze typically has raised lettering and patinas as it wears. These plaques appear to be cut by a CNC machine or laser. He suggests calling a trophy shop and asking for a brass plaque. Pricing for bronze is 4x the cost of brass.

As far as installation, I would contact a mason, possibly in your area to recess the plaque into the brick and install. Unfortunately, I do not have anyone to refer you to.

Kind Regards,

Julie Adams
Mile High Memorials
303-794-3443

Sent from Mail for Windows

From: Wonder Martell, Deputy City Clerk <cityclerk@idahospringsco.com>
Sent: Monday, January 29, 2024 3:28:49 PM
To: Brad Sokolowski <Milehighmemorials@outlook.com>
Subject: RE: New submission from Mile High Memorials

Hi Julie, yes to everything. And the mural is outside, brick, about 5 foot tall and the plaques are bronze with black writing. I have a few pictures attached for your review. The size of the plaques are 4" by 6". Thank you very much!

Idaho Springs Police Department
3000 Colorado Blvd. ★ Post Office Box 907
Idaho Springs, CO 80452
303-567-4291/303-567-1014 Fax
https://cityofidahosprings.colorado.gov/ISPD

To: Chuck Harmon, Mayor
City Council

From: Nate Buseck, Chief of Police

Date: February 08, 2024

Subject: City Council Report for February 12, 2024

Requests for Action:

Calls for Service: January 19, 2024 – February 08, 2024 = **325**

Chief Buseck Attended:

01/20/24: Advocates Annual Gathering
01/22/24: School Safety Meeting, CCHS
01/24/24: Dept. Heads Meeting
01/25/24: Meeting with Sheriff Matt Harris
01/29/24: Mountain Youth network Strategy meeting
CCFA Org. Assessment at BOCC
01/30/24: Wildland Fire Partnership
02/01/24: New PD Project Kick Off Meeting
02/05/24: Juvenile Justice Meeting
Council Work Session
02/06/24: PD Renovation Meeting
02/07/24: Clear Creek Roarty-Necro Search Speaker
JeffCom Tour/ Training

Training:

02/08/24-02/14/24: All ISPD Staff attend Jeffcom Training and Tour of dispatch facilities.

Upcoming Training:

03/25/24-03/29/24: One Officer will attend NTOA Crisis Negotiations (Colorado Springs, CO)

Code Enforcement:

- Junk Yards specifically 101 27th Place
- Dogs at Large Complaints
- Abandoned Vehicles/Parking Complaints
- Snow and Ice Removal

Staffing:

- ISPD is currently fully staffed.
- Officer Johnsen has completed FTO and has been assigned to a Patrol position.

Significant Incidents:

January 19th, 2024, ISPD responded to the 1300 block of Idaho Street on reports of a hit and run crash. When officers arrived on scene, they were notified that the suspect vehicle was face down on an embankment in the 3500 block of Stanley Road. While speaking with the driver officers detected a strong odor of alcohol coming from the vehicle as well as emanating from the driver. The male suspect was unsteady on his feet while speaking with officers and required assistance to maintain balance. The male was transported by medical personnel to a nearby hospital and was issued a summons for driving under the influence of alcohol, drugs or both, carless driving, reckless driving, open container, unsafe backing, and failure to notify police of an accident.

January 22nd, 2024, ISPD officer observed a vehicle parked abnormally and not in a parking spot in the 2900 block of Colorado Blvd. As the vehicle drove away, the officer observed the vehicle weaving across the highway. ISPD initiated a traffic stop with the vehicle. While speaking with the female passenger it became known that she had an active felony warrant out of Weld County for failure to comply. She was arrested without incident on her warrant.

January 27th, 2024, ISPD officers were dispatched to the 1600 block of Miner Street on reports of a bar fight between multiple parties. The three male suspects were separated when officers arrived on scene. After hearing from all parties and witnesses it was determined that all three of the men engaged in mutual combat. The three men were all cited for disorderly conduct, and assault.

January 28th, 2024, ISPD officer initiated a traffic stop in the 2300 block of Colorado Blvd. While speaking with the individuals of the vehicle officers noticed copious amounts of what appeared to be marijuana near the driver. While investigating the regulations of transporting marijuana in that quantity, the officer determined that the driver was in fact violating marijuana laws. The male driver was issued a summons for unlawful possession of a controlled substance related to marijuana.

January 31st, 2024, ISPD officer assisted CCSO with a failure to yield. The ISPD officer positioned himself near the 241 I70 Eastbound with stop sticks. The stop sticks were effectively utilized when the suspect vehicle struck them with the front tires of his vehicle. The vehicle continued to approximately mile marker 243 where it came to a rest against the guardrail. The male suspect attempted to flee by exiting his vehicle and jumping over the guardrail. Due to weather conditions and poor night visibility the suspect was unsuccessful as he fell about 50ft down. The suspect sustained major injuries and was transported to a nearby hospital for treatment. During criminal investigation it was reported that the suspect had schedule I/II controlled substances packaged for distribution, stolen loaded handgun, foreign currency, stolen power tools, narcotic paraphernalia, and multiple vehicle keys.

CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-2400
FAX (303) 567-0124

TO: MAYOR and COUNCIL
FROM: Paul Crain
DATE: FEBRUARY 12th, 2024
Re. STAFF REPORT PUBLIC WORKS

Action Item: Move to approve Purchase of 40 Bear resistant Trash Bins from Bearicuda, in the amount of $44,739.12 from line item #21-00-6028. This expenditure will be reimbursed through a Federal Grant administered by the State of Colorado.

Idaho Springs Public Works has been very busy with the many facets that make up the maintenance objectives of the City Crew.

Our Streets and Parks teams have been super busy with all of the recent snow over the past couple of weeks. Bob, Steve, Willie and Chris have been diligent in keeping our roads and pathways clear even through weekends.

Our Distribution and Collection team are quite active with Routine Maintenance including flushing of dead end lines to help prevent freezing, and monitoring the Siphons and a few other potential trouble spots in the collection system.

The Public Works building Retaining walls and foundation have been poured and the forms stripped. Metal framework will start installing the week of the 12th, and should take 3 weeks for the installation.

Paul Crain
Public Works Superintendent

Page	Date	Quotation No.
1	01/23/24	41595A

Bearicuda Bins, Inc
3 West Street, Suite 3 E, PO Box 56
Litchfield, CT 06759-0056

Bill To	Ship To
Paul Crain Accounts Payable City Of Idaho Springs Po Box 907 Idaho Springs, CO 80452	Attn: Paul Crain Public Works Superintendent City Of Idaho Springs 1711 Miner Street #907 Idaho Springs, CO 80452

Customer No.	Sales I.D.	Reference #	Media Code	Terms
34285	/KDL		M /	QUOTATION

Ordered By	Warehouse	Phone Number	Total Wt.	Zone	# Packages	Ship Via
		(303) 961-4942	0.0 Lbs		0	GT

Message:

CUSTOMER MUST INSPECT ITEMS BEFORE SIGNING BOL, MUST NOTATE DAMAGE
This was stated on your order confirmation about inspection & damages
Review Internet Order Retain Copy of BOL w/ Any Notations

Qty.	B/O	Shipped	Item #	Description	Unit Price	Disc	Extension
40	0	0	PAK304 BROWN	BEAR PROOF TRASH LOCKER FOR 32 GAL TRASH BINS	999.0000	--	39960.00
				DIM: 30W x 30D x 40H - HOLDS (1) 32 GAL TRASH BIN			
1	0	0	PAD-LATCH101-TOP	PADDLE LATCH FOR BEAR RESISTANT ENCLOSURE TOP	95.0000	--	95.00
1	0	0	PAD-LATCH101-BOTTOM	PADDLE LATCH FOR BEAR RESISTANT ENCLOSURE BOTTOM	95.0000	--	95.00

MERCHANDISE QUOTATION TOTAL $ 40150.00
SHIPPING & HANDLING $ 4589.12
QUOTATION TOTAL $ 44739.12

City of Idaho Springs Water Quality
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-2400
FAX (303) 567-0124

TO: MAYOR and COUNCIL
FROM: Edward Sigward
DATE: 2/12/2024
Re. STAFF REPORT WATER WASTEWATER

- BPCCC Violation extended to 3/31/24. Next public notice to go out on 4/3/2024 if not resolved. Two remaining Backflow devices to install.
- 2024 staff training:
  - Ed – Effective utility Management
  - Billy – Utility planning and management
  - Justin – Water treatment Grade 3
  - Matt – Water treatment Grade 1

WASTEWATER

	BOD	TSS	NH4	PO4	TIN
Goal	10	10	3	1	10
Current	8	10	0.33	0.35	1.34

- Discharge permit updates
- Biosolids report preparation

WATER

- PLC replacement – Working out bugs in the system, nothing to limit production or quality.
- Idaho Springs Reservoir EAP updates
- Monitoring plan updates.
- Called for heater service.